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Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 18th March 1861, and is hereby promulgated for general information :—

ACT No. XI OF 1861.

An Act to repeal the Laws relating to the offices of Hindoo and Mahomedan Law Officers and to the offices of Cazee-ool-Cozaat and of Cazee; and to abolish the former offices.

Preamble.

Whereas it is unnecessary to continue the offices of Hindoo and Mahomedan Law Officers, and is inexpedient that the appointment of Cazee-ool-Cozaat, or of City, Town or Pergunnah Cazees should be made by Government, It is enacted as follows :—

Regulations and Acts repealed.

I. The Regulations and Acts and parts of Regulations and Acts set forth in the Schedule annexed to this Act are hereby repealed, except so far as they repeal any other Regulation or Act or part of any other Regulation or Act.

This Act not to affect the performance of ceremonies, &c., by Cazees.

II. Nothing contained in this Act shall be construed so as to prevent a Cazee-ool-Cozaat or other Cazee from performing, when required to do so, any duties or ceremonies prescribed by the Mahomedan Law.

SCHEDULE.

Regulations and Acts and parts of Regulations and Acts repealed.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal
Reg. IV. 1793 -	Bengal Code	For receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad.	So much of Section XV as declares that, in the respective cases mentioned in the said Section, the Mahomedan and Hindoo Law Officers of the Court are to attend to expound the Law.
XII. 1793 -	Bengal Code	For the appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature.	The whole.

Regulations and Acts and parts of Regulations and Acts repealed,—(continued.)

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Reg. XXXIX. 1793	Bengal Code	For the appointment of the Cazee-ool-Cozaat, or Head Cazee of Bengal, Behar, and Orissa, and the Cazees stationed in the several districts, and prescribing their respective duties.	The whole.
„ VIII. 1795 -	Bengal Code	For extending to the Province of Benares, with alterations and modifications, Regulation IV. 1793, entitled "a Regulation for receiving, trying, and deciding "suits or complaints declared cognizable "in the Courts of Dewanny Adawlut "established in the several Zillahs, and "in the Cities of Patna, Dacca, and "Moorshedabad;" and for exempting the Rajah of Benares and the Baboos of his family, and certain Bankers, when defendants, from giving the security required from other defendants.	So much of Section III as declares that, in the respective cases mentioned in the said Section, the Mahomedan and Hindoo Law Officers of the Courts are to attend and expound the Law.
„ XI. 1795 -	Bengal Code	For extending, with modifications, to the Province of Benares, Regulation XII. 1793, entitled "a Regulation for the "appointment of the Hindoo and Mahomedan Law Officers of the Civil "and Criminal Courts of Judicature," and for appointing a Pundit or Pundits to the Provincial Court of Circuit for the Division of Benares, to expound the Hindoo Law in certain cases cognizable by that Court.	The whole.
„ XLIX. 1795	Bengal Code	For appointing the Head Cazee of the Provinces of Bengal, Behar, and Orissa, Head Cazee of the Province of Benares, and for extending to that Province the Rules contained in Regulation XXXIX. 1793, regarding the Cazees stationed in the Cities, Towns, and other places in the three first mentioned Provinces.	The whole.
„ II. 1798 -	Bengal Code	For authorizing a Review of Causes decided by the Civil Courts in certain cases; and for explaining parts of Regulations IV, V and VI. 1793.	Section IV.
„ III. 1803 -	Bengal Code	For receiving, trying, and deciding suits or complaints, declared cognizable in the Courts of Adawlut established in the several Zillahs in the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company.	So much of Clause First, Section XVI, as declares that the Mahomedan and Hindoo Law Officers of the Courts shall attend to expound the Law of their respective persuasions in cases in which recourse may be required to be had to it; and that the Judge of the Zillah Court may further refer cases for the opinion of the Law Officers of the Superior Courts.

Regulations and Acts and parts of Regulations and Acts repealed,—(continued.)

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Reg. XI. 1803 -	Bengal Code	For the appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature, in the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company.	The whole.
„ XLVI. 1803	Bengal Code	For the appointment of the Cazee-ool-Cozaat, or Head Cazee of the Provinces of Bengal, Behar, Orissa, and Benares, to be the Head Cazee of the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company.	The whole.
„ X. 1806 -	Bengal Code	For extending to the Judicial Department such parts of Regulation VIII. 1806, as are applicable to charges or information against the European Public Officers employed in that Department, and for making further provision in such cases.	So much of Section X as relates to charges of corruption and extortion against the Hindoo and Mahomedan Law Officers.
„ VIII. 1809 -	Bengal Code	For modifying parts of the Rules in force respecting the appointment and removal of the Native Officers of Government in the Judicial, Revenue, and Commercial Departments.	Sections III and IV.
„ XVIII. 1817	Bengal Code	To modify the Rules in force which prescribe an oath of office to be taken by certain Native Officers; and to explain and amend other provisions relative to the Native Ministerial Officers and Law Officers of the Civil and Criminal Courts.	So much of Sections I, II, IV, and VI as relates to Law Officers.
„ XI. 1826 -	Bengal Code	For providing a succession of duly qualified Hindoo and Mahomedan Law Officers in the several Courts of Justice; and for enacting an additional Rule for the appointment of Vakeels in the Zillah and City Courts.	Sections I, II, III and IV.
„ III. 1827 -	Bengal Code	For modifying and amending the Rules in force relative to the Law Officers and Ministerial Native Officers of the Courts of Judicature, who may be guilty of corruption or extortion.	So much of Sections I, II, III and IV as relates to Law Officers.
„ III. 1829 -	Bengal Code	For abolishing certain official designations amongst the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, and of the Provincial Courts; for amending the Rules at present in force, which require the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, or other Public Officers, to take the prescribed oaths of office before the Governor-General in Council; for providing for the decision of Civil suits and appeals in the Provincial Courts, in certain cases; for amending Regulation VIII. 1825, and for discontinuing the offices of Hindoo and Mahomedan Law Officers in the Provincial Courts.	Section VII.

Regulations and Acts and parts of Regulations and Acts repealed,—(concluded.)

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Reg. XI. 1802 -	Madras Code	For the appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature.	The whole.
„ III. 1808 -	Madras Code	For the appointment of the Cazee-ool-Cozaat of the Provinces subject to the Presidency of Fort St. George.	The whole.
„ VII. 1822 -	Madras Code	For rescinding Regulation I of 1809, and Regulation V of 1811, and for declaring that the appointment and removal of the Native public servants of Government shall be regulated by such orders as the Governor in Council may from time to time see fit to issue.	Section III. Clause 2.
„ III. 1828 -	Madras Code	For improving the means of procuring for the Courts of Judicature correct expositions of the Hindoo and Mahomedan Law.	The whole.
„ II. 1827 -	Bombay Code	For defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and Officers thereof.	Clauses 2 and 3, Section XXXIV, and Section XXXV.
„ XXVI. 1827	Bombay Code	For the appointment and removal of Cazees, and for ensuring an efficient and regular discharge of their duties.	The whole.

Number and date of Acts.	Title.	Extent of Repeal.
Act XXVII. 1836	For the repeal of Regulation V. 1817, of the Madras Code.	The whole.
„ VII. 1843 -	For abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I and II, and Regulations VII and VIII of 1827, in place of the existing Civil and Criminal Zillah Courts, and for extending the Civil Jurisdiction of such Courts.	Section LI.
„ V. 1845 -	Concerning the examination and appointment of Hindoo and Mahomedan Law Officers.	The whole.

A. G. MACPHERSON,

Offg. Depy. Secy. to Govt. of India,
Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 18th March 1864, and is hereby promulgated for general information :—

ACT No. XII OF 1864.

An Act to give further effect to the provisions of Act IV of 1863 (to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor-General of India, and His Majesty the King of Burmah).

Preamble.

Whereas it is necessary to provide for the more effectual carrying out of the provisions of Act IV of 1863 *(to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor-General of India, and His Majesty the King of Burmah)*; It is enacted as follows :—

Governor-General in Council to pass rules to give effect to Act IV of 1863.

I. It shall be lawful for the Governor-General of India in Council to make and issue rules to give effect to the said Act IV of 1863, and regulate all matters relating to the import and export of goods or otherwise arising under that Act: and from time to time to add to, alter or revoke such rules or any of them: Provided that no rule so made shall be inconsistent with any provision of the said Act IV of 1863, and that the penalties prescribed in such rules for their infringement shall not exceed, and shall so far as circumstances will admit be the same as, or similar to, the penalties prescribed in the like cases by Act VI of 1863 *(to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India)*. All rules made under this Section shall be published in the Gazette of India.

Proviso.

Indemnity.

II. Every Collector of Customs or other Officer is hereby indemnified for every thing done on or after the date on which the said Act IV of 1863 came into operation, in collecting or enforcing the duty imposed under the provisions of that Act, or by virtue of any order of Government or otherwise in carrying the said Act IV of 1863 into effect: and no action or other proceeding shall be maintained against any such Collector or other Officer in respect of any thing so done.

A. G. MACPHERSON,

Offg. Depy. Secy. to the Govt. of India,

Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 18th March 1864, and is hereby promulgated for general information :—

ACT No. XIII OF 1864.

An Act to consolidate and amend the laws relating to the Emigration of Native Laborers.

Preamble.

Whereas it is expedient to consolidate and amend the laws relating to the emigration of Native Laborers; It is enacted as follows :—

Acts repealed.

I. From the date on which this Act shall come into operation, the Acts or parts of Acts set forth in the Schedule (A) annexed to this Act shall be held to be and are hereby repealed to the extent mentioned in the said Schedule, except so far as they repeal any other Act or Regulation, or part of any other Act or Regulation.

II. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say :—

"Emigrate."

"Emigrant."

The word "Emigrate" shall denote the departure of any Native of India out of British India for the purpose of laboring for hire in some other place; and the word "Emigrant" shall denote any Native of India under engagement to emigrate:

"The Magistrate of the District."

The words "the Magistrate of the District" shall denote the Chief Officer charged with the Executive Administration of a District and exercising the powers of a Magistrate, by whatever designation the Chief Officer charged with such Executive Administration is styled, or in the absence of such Officer from the Station at which his Court is ordinarily held, the Senior Officer at the Station exercising the powers of a Magistrate as defined in the Code of Criminal Procedure :

"British India."

The words "British India" shall denote the Territories vested in Her Majesty by the Statute 21 and 22 Vic., Cap. 106, entitled "An Act for the better government of India," except the Settlement of Prince of Wales' Island, Singapore, and Malacca :

"Local Government."

The words "local Government" shall denote the person authorized by law to administer Executive Government in any part of British India :

"Section."

The word "Section" shall denote a Section of this Act:

"Vessel."

The word "vessel" shall include any thing made for the conveyance by water of human beings or property :

Number.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular :

Gender.

Words importing the masculine gender shall include females.

Contracts for labor out of India unlawful, except under this Act.

III. Except under and in conformity with the provisions of this Act, it shall not be lawful to make any contract with any Native of India for labor to be performed in any place beyond British India, or to enable any Native of India to emigrate, or to assist any Native of India in emigrating: provided that nothing in this Act shall apply to any contract with any Native of India for labor to be performed in any Foreign Settlement on the main land of India or in any Native State in India, or to emigration to any such Settlement or State; or shall apply to any contract for labor to be performed in or to emigration to the Island of Ceylon; or shall apply to any contract with or the emigration of any Native Seaman or other person who of his own free will shall contract to navigate or serve on board of any vessel or who shall embark on board such vessel in pursuance of such contract, or any person who shall contract to serve as a menial servant only, and who shall embark as such menial servant.

Places for emigration to which contracts may be made with Natives.

IV. Contracts may be made with Natives of India to emigrate to any of the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts and Seychelles, and to the Danish Colony of St. Croix; and it shall be lawful to enable or assist any Native of India to emigrate to any such Colony.

Governor-General may declare emigration lawful to places other than those mentioned in last Section.

V. The Governor-General of India in Council may from time to time, by notification published in the Gazette of India, declare that the emigration of Natives of India shall be lawful to any place other than the places mentioned in the last preceding Section: provided that every such notification shall contain also a declaration, that the Governor-General of India in Council has been duly certified that the Government of the place to which the notification refers has made such laws and other provisions as the Governor-General of India in Council thinks sufficient for the protection of Natives of India emigrating to such place.

Proviso.

Contracts may be made for emigration to places to which emigration is authorized by Governor-General.

VI. From the date of any such notification by the Governor-General of India in Council, contracts may be made with any Native of India for labor to be performed in any place to which emigration is authorized in the notification, and it shall be lawful to enable or assist any Native of India to emigrate to such place; but all contracts and emigration under any such notification shall be made and conducted subject to the provisions of this Act.

From what ports emigration lawful.

VII. Emigration shall not be lawful except from the port of Calcutta, the port of Madras, or the port of Bombay.

Probable length of voyages.

VIII. The probable length of the voyages to the places enumerated in Section IV, from Calcutta, Madras, or Bombay respectively shall, for the purposes of this Act, be deemed to be as follows:—

From Calcutta	To Mauritius and Seychelles	Between the months of April and October inclusive, 10 weeks; and between the months of November and March inclusive, 8 weeks.
	To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts and St Croix	20 weeks.
	To Natal	12 weeks.
From Madras	To Mauritius and Seychelles	Between the months of April and October inclusive, 7 weeks; and between the months of November and March inclusive, 5 weeks.
	To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts and St. Croix	19 weeks.
	To Natal	10 weeks.
From Bombay	To Mauritius and Seychelles	Between the months of April and September inclusive, 5 weeks; and between the months of October and March inclusive, 6 weeks.
	To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts and St. Croix	19 weeks.
	To Natal	10 weeks.

Notification legalizing emigration to any new place shall give the probable length of the voyage.

IX. In every notification issued under Section V, there shall be stated the probable length of the voyages from Calcutta, Madras, and Bombay respectively, to every place to which emigration is by such notification authorized, and thereupon such period shall, for the purposes of this Act, be taken to be the probable length of such voyage.

Appointment of Emigration Agent.

X. The Government of every place to which emigration shall be lawful under this Act may, from time to time, nominate a person to act as Emigration Agent in Calcutta, Madras, and Bombay respectively, but such nomination shall be subject to the approval of the local Government. Every Emigration Agent shall be liable to removal by the Government which nominated him.

gra- be re- igration gents under this Act.

XI. Every Emigration Agent who at the time when this Act shall come into operation shall have been nominated by the G ernment of any of the Colonies enumerated in Section IV, shall be deemed to have been nominated under this Act.

Remuneration of Agents.

XII. The remuneration to be given to Emigration Agents shall not depend upon, or be regulated by, the number of Emigrants sent by such Agents, but shall be in the nature of a fixed annual salary.

Appointment of Protector of Emigrants.

XIII. It shall be lawful for the local Government to nominate a proper person to act as Protector of Emigrants at each of the three ports aforesaid, and with the sanction of the Governor-General of India in Council to assign to such person such salary and establishment as shall be deemed proper. Every Protector of Emigrants shall be subject to removal by the local Government to which he is subordinate.

No Protector to hold other office without permission.

XIV. No Protector of Emigrants nominated under this Act shall, except with the permission of the local Government, hold any other office under Government, or follow any other profession or occupation.

Existing Protectors to be deemed Protectors under this Act.

XV. Every Protector of Emigrants who at the time when this Act shall come into operation shall have been nominated by the local Government, shall be deemed to have been nominated under this Act.

General duties of the Protector of Emigrants.

XVI. Every Protector of Emigrants, in addition to any special duties assigned to him by this Act, shall so far as is in his power generally protect and aid with his advice or otherwise all Emigrants, and shall cause all the provisions of this Act to be duly complied with: he shall also inspect on arrival all vessels bringing return Emigrants to the port at which he is Protector, and enquire into the treatment received by such Emigrants both during the period of their service in the place to which they emigrated, and also during the voyage, and shall make a report thereon to the local Government, and he shall aid and advise such return Emigrants so far as he reasonably can when called upon by them to do so.

As to inspecting vessels with return Emigrants.

Appointment of Medical Officer.

XVII. At each of the three ports aforesaid, it shall be lawful for the local Government to nominate a competent person to be Medical Inspector of Emigrants; and with the sanction of the Governor-General of India in Council to assign to the Medical Inspector so nominated such salary as shall be deemed proper.

Depôts to be ed in Calcutta, Madras, and Bombay, for each Emigration Agency.

XVIII. In each of the Towns of Calcutta, Madras, and Bombay, or in the Suburbs of those Towns, a suitable depôt shall be established by the Emigration Agent of every place to which emigration shall be lawful under this Act, for the persons who shall be engaged as laborers for such place; and by the Emigration Agent nominated by the French Government under Act XLVI of 1860 *(to authorize and regulate the emigration of Native Laborers to the French Colonies)*, and Act VII of 1862 *(to amend Act XLVI of 1860)*, for the persons who shall be engaged as laborers for the French Colonies.

Licensing of depôts.

XIX. Every depôt shall be licensed by the Protector of Emigrants, after being inspected and approved of by him and by the Medical Inspector of Emigrants. No license shall be in force for a longer period than a year, and any license may be cancelled by the Protector of Emigrants if he shall consider that the depôt for which it was granted is unhealthy or in any respect has become unsuitable for the purpose for which the depôt was established. For every license granted under this Section there shall be paid to the Protector a fee of ten Rupees.

Inspection by Protector and Medical Inspector.

XX. Every Protector of Emigrants and every Medical Inspector of Emigrants shall, from time to time, and at least once in every week, inspect the Emigrants in the various depôts for the reception of Emigrants about to embark from the port at which they are Protector and Medical Inspector respectively, and examine into the state of the depôts, and the manner in which the Emigrants are therein lodged, fed, clothed, and otherwise provided for and attended to.

XXI. It shall be the duty of the Medical Inspector to report to the Protector of Emigrants any circumstance which may come to his knowledge, showing that the depôt is not suitable for its purpose, or that the Emigrants are treated with any neglect, or oppression.

Protectors and Medical Inspectors to be deemed Public Servants.

XXII. Every Protector of Emigrants and every Medical Inspector of Emigrants shall be held to be a Public Servant within the meaning of the Indian Penal Code.

XXIII. It shall be the duty of every Emigration Agent, and of all persons in charge of ployed in any depôt or in any vessel licensed to carry Emigrants as hereinafter provided, to give the Protector and the Medical Inspector every facility for making such inspections, examinations, and surveys as may be necessary or proper under this Act, and to afford them all such information as may be reasonably required by them.

Protector of Emigrants to license Recruiters.

XXIV. The Protector of Emigrants, at each of the three ports aforesaid, shall license so many fit persons as shall to him seem necessary, to be Recruiters of laborers, and no person shall act or be employed as a Recruiter of laborers except under a license from a Protector of Emigrants.

Recruiter's License.

XXV. Every Recruiter shall be licensed to obtain laborers for some particular place to which emigration shall be lawful under this Act, and no license to obtain laborers for any place shall be granted except on the application of the Emigration Agent of such place.

Duration of license, and cancelment in case of misconduct.

XXVI. No license shall be in force for a longer period than one year; and in case of misconduct on the part of any Recruiter, the Protector of Emigrants may cancel his license before the expiration of the period for which it was granted.

Fo d fee

XXVII. Every license shall be in the form set forth in the Schedule (B) to this Act annexed. For every license there shall be paid to the Protector a fee of ten Rupees.

Recruiter to wear badge.

XXVIII. Every person holding a license as a Recruiter of laborers shall wear a badge bearing the following inscription in English, and in the vernacular language of the Town, District or Districts in which he is licensed to engage laborers—*(Recruiter of Emigrants for the Mauritius (or other place as the case may be))*.

Recruiter to have his license countersigned by a Magistrate where he is recruiting.

XXIX. No Recruiter shall engage or attempt to engage laborers in any District or in the Towns of Calcutta, Madras or Bombay, without having first exhibited his license to the Magistrate of such District, or a Magistrate of such Town, and obtained the countersignature of such Magistrate thereupon. Such countersignature shall be given, provided that the license is in force at the time.

Natives engaging to emigrate not to leave their district without appearing before Magistrate.

XXX. Every Native of India, who shall in any place other than the Towns of Calcutta, Madras, or Bombay enter into any engagement with a Recruiter to emigrate, shall prior to leaving the District within which the engagement was entered into appear with the Recruiter before the Magistrate of such District, and no Recruiter shall remove such Emigrant from the said District until he shall have so appeared. Upon so appearing, the Magistrate shall examine the intending Emigrant with reference to his engagement; and if it appears that he comprehends the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Magistrate shall register in a book to be kept for the purpose, in such form as the local Government shall prescribe, the name, name of the father, and the age of such Emigrant, and the name of the Village or place of which such Emigrant is a resident, the Emigration depôt to which it is intended he shall proceed, and the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter. If the Magistrate shall be of opinion that the intending Emigrant does not comprehend the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name. A copy of every registration under this Section, written on substantial paper which shall not require a stamp, shall be furnished by the Magistrate to the Emigrant registered.

Fee for registration.

XXXI. For the registration of every Emigrant, the Recruiter shall pay to the Magistrate a fee of one Rupee. On proof of the desertion of any Emigrant before reaching the depôt for which he was registered, the fee paid in respect of such Emigrant may be refunded by the Magistrate to the Recruiter by whom it was paid under such Rules as shall, from time to time, be made in that behalf by the Governor-General of India in Council.

Copy of registration to be sent to Emigration Agent and Protector.

XXXII. Authentic copies of every registration shall be forthwith forwarded by the Magistrate to the Emigration Agent at the depôt to which the person named therein shall have been engaged to proceed, and to the Protector of Emigrants at the intended port of embarkation.

Registration of Emigrants recruited in Presidency Towns.

XXXIII. Every Native of India, who shall in the Towns of Calcutta, Madras or Bombay enter into any engagement with a Recruiter to emigrate, shall within forty-eight hours of making such engagement appear with the Recruiter before the Protector of Emigrants in such Town, and no Recruiter shall remove such Emigrant from the said Town, or to any emigration depôt, until he shall have so appeared. Upon his so appearing, the Protector of Emigrants shall examine the intending Emigrant with reference to his engagement; and if it appears that he comprehends the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Protector of Emigrants shall register in a book to be kept for the purpose, in such form as the local Government shall prescribe, the name, the name of the father, and the age of such Emigrant, and the name of the Village or place of which such Emigrant is a resident, the Emigration depôt to which it is intended he shall proceed, and the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter. If the Protector of Emigrants shall be of opinion that the intending Emigrant does not comprehend the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name. A copy of every registration under this Section, written on substantial paper which shall not require a stamp, shall be furnished by the Protector to the Emigrant registered.

XXXIV. For the registration of every Emigrant under the last preceding Section, the Recruiter shall pay to the Protector of Emigrants a fee of one Rupee. On proof of the desertion of any Emigrant before reaching the depôt for which he was registered, the fee paid in respect of such Emigrant may be refunded by the Protector to the Recruiter by whom it was paid under such rules as shall, from time to time, be made in that behalf by the Governor-General of India in Council.

Copy of registration by Protector, to be forwarded to Agent.

XXXV. An authentic copy of every registration by a Protector of Emigrants shall be forthwith forwarded by the Protector to the Emigration Agent of the place for which the person named therein shall have been engaged.

Conveyance of Emigrant to depôt.

XXXVI. 1. Every Emigrant recruited under the provisions of this Act, shall be conveyed by land or river with all convenient despatch to the depôt at the port of embarkation, established by the Emigration Agent of the place to which such Emigrant has contracted to emigrate.

Emigrants shall be accompanied to depôt by Recruiter, or person approved by Magistrate.

2. The registered Emigrants engaged by any Recruiter shall, while proceeding to a depôt, be accompanied throughout the journey either by the Recruiter himself or by a competent person appointed by him with the approval of the Magistrate by whom the Emigrants may have been registered. The Magistrate shall give to the person so appointed a certificate under his signature, stating that he has been appointed for the journey to the depôt.

Recruiter to provide suitable food and lodging.

3. Every Recruiter by or through whom Emigrants may be forwarded to a depôt, shall throughout their journey provide them with suitable lodging and food.

Arrival at depôt to be reported to Emigration Agent, and to Protector.

XXXVII. The arrival of each Emigrant at a depôt shall immediately be reported by the person in charge of the depôt to the Emigration Agent, and by such Agent to the Protector of Emigrants.

Copy of registration to be exhibited to Medical Inspector.

XXXVIII. The copy of the registration of every Emigrant, received by the Emigration Agent from the Magistrate or from the Protector of Emigrants, shall, as soon as conveniently may be after the arrival of the Emigrant, be

exhibited to the Medical Inspector of Emigrants; and the Emigrant shall be [illegible]ined by the Medical Inspector to ascertain if he is in a fit state of health to emigrate to the place to which he has contracted to proceed. The Medical Inspector, if satisfied of his fitness, shall give a certificate thereof to the Emigration Agent: if satisfied of his unfitness, he shall give a certificate thereof to the Protector of Emigrants.

If unable to proceed from bad health, or if irregularly recruited, Emigrant to be sent back to where he was.

XXXIX. If the Medical Inspector shall certify that any Emigrant is not in a fit state of health to emigrate to the place to which he has contracted to proceed, or if any irregularity shall have occurred in the recruitment of any Emigrant, it shall be lawful for the Protector of Emigrants to order the Emigration Agent in whose depôt such Emigrant may be, forthwith to pay to him, the Protector of Emigrants, such reasonable sum as shall be necessary to enable the laborer to return to the place where he was registered, and the Protector may take any steps he thinks necessary for the conveyance of the laborer to such place.

Provision for case of Emigration Agent failing to pay sum required to enable laborer to return.

XL. On failure of the Emigration Agent for twenty-four hours to comply with an order of the Protector for the payment of any such sum of money as in the last preceding Section mentioned, it shall be lawful for the Protector to pay the same to or on behalf of the Emigrant, and every sum so disbursed shall be recoverable by the Protector, with six per cent. interest from the date of disbursement, from the Emigration Agent on whose default it may be paid, as money paid to the use of such Emigration Agent. No further proof shall be required by any Court in any such case than that the Protector gave the Emigration Agent an order to pay the same, and that the Emigration Agent for a space of twenty-four hours made default in complying therewith. Provided that any Emigrant who from his state of health is in the opinion of the Medical Inspector unfit to undertake the journey back to the place where he was registered, shall in addition to his being conveyed back at the expense of the Emigration Agent, be entitled to continue in the depôt and to be fed, clothed, lodged and attended to there, by and at the expense of the Emigration Agent, until such time as the Protector shall otherwise order.

Duty of Emigration Agent.

XLI. The Emigration Agent, in the presence of the Protector of Emigrants and within forty-eight hours after the arrival of each Emigrant at the depôt, shall ascertain by personal communication with such Emigrant whether or not he has been properly fed and otherwise properly treated on his journey to the depôt. The Emigration Agent shall also, in the presence of the Protector and within such time as aforesaid, examine the copy of the registration furnished to the Emigrant under Section XXX or Section XXXIII. If for any reason further enquiry be necessary, such enquiry shall be made forthwith. Unless the Emigration Agent shall with the consent of the Protector refuse to recognize or to be bound by the contract entered into by the Recruiter with the Emigrant, as shown by the copy of the registration produced by the Emigrant, such copy if it be a copy furnished under Section XXX shall be countersigned by both the Emigration Agent and the Protector, and if it be a copy furnished under Section XXXIII shall be countersigned by the Emigration Agent alone; and the copy so countersigned, under whichever Section it may have been furnished, shall be delivered back to the Emigrant. If the Emigration Agent shall, without the consent of the Protector, refuse to be bound by the contract entered into by the Recruiter with the Emigrant, the Protector may thereupon order the Emigration Agent forthwith to pay to him, the Protector of Emigrants, such reasonable sum as shall be necessary to enable the Emigrant to return to the place where he was registered, and on failure of the Emigration Agent to pay such sum within twenty-four hours of his being ordered so to do, the Protector may pay the same to or on behalf of the Emigrant, and all the provisions of the last preceding Section as to sums paid by the Protector shall be applicable, so far as the circumstances of the case will permit, to sums paid by him under this Section. The Protector shall also, in every case in which it shall seem to him proper to do so, institute a suit on behalf of the Emigrant against the Emigration Agent, for the recovery of damages for the breach of contract committed by the Emigration Agent. In every such suit, the contract entered into by the Recruiter shall be deemed to have been entered into by and to be binding on the Emigration Agent.

Provision for case of Agent refusing without consent of Protector to be bound by contract made by Recruiter.

After examination and Medical Inspector's certificate, Emigration Agent to grant a Pass.

XLII. After the examination in the last preceding Section provided, and if the Medical Inspector shall have given a certificate of the fitness of the Emigrant to emigrate, the Emigration Agent shall deliver to the Emigrant a Pass, countersigned by the Protector of Emigrants as hereinafter provided, stating the name and age of the Emigrant and the name of his father, and certifying that he is in a fit state of health to emigrate to the place to which he has contracted to go.

Protector of Emigrants to attend personally at examination and passing of Emigrants.

XLIII. The Protector of Emigrants shall attend personally at the examination and passing of Emigrants by the Emigration Agent under Sections XLI and XLII, and shall see that the Emigration Agent makes all such enquiries of the Emigrants as it may be his duty to make; and if such Protector is satisfied with such enquiries, but not otherwise, he shall countersign the Pass granted by the Emigration Agent.

And to countersign Pass.

Emigrants refusing to embark not to be com-[illegible]

XLIV. If any Emigrant shall without good and sufficient cause refuse or neglect to embark when [illegible]pon by the Emigration Agent so to do, it shall not be lawful to compel such Emigrant to embark or to put him on board ship against his will, or to detain him against his will at the depôt or elsewhere; but nothing in this Section shall be taken to diminish or affect in any way the legal liabilities, Civil or Criminal, of such Emigrant incurred by

Proviso.

him by reason or in respect of his refusal or neglect aforesaid. Every case in which an Emigrant is charged before a Magistrate of a Presidency Town with refusing or neglecting to embark without good and sufficient cause, shall be heard and determined by such Magistrate in a summary manner, and every such laborer shall, on conviction, be punished in the manner provided in Section CCCCXCII of the Indian Penal Code for the punishment of offences under that Section.

Time of sailing for places East of Cape of Good Hope.

XLV. Emigrants may leave India for any place East of the Cape of Good Hope to which emigration may be lawful under this Act at all times of the year. For any such place West of the Cape of Good Hope, Emigrants may leave only between the 31st of July and the 16th of March, unless they embark in vessels using steam power, in which case they may leave at any time of the year.

For other places.

Emigrant not to be received on board an unlicensed ship.

XLVI. 1. It shall not be lawful to receive any Emigrant on board any vessel unless a license to carry Emigrants in such vessel shall have been obtained from the local Government, and the granting or withholding any such license shall be entirely discretionary with the local Government.

Application for license.

2. The Master or owner of any vessel who is desirous of obtaining a license to carry Emigrants in such vessel, shall apply in writing through the Protector of Emigrants to the local Government for such license.

What to contain.

3. Every application for a license shall state the number of men, women, and children proposed to be carried, and the tonnage and other particulars respecting the vessel.

Survey of vessel.

4. The Protector of Emigrants shall cause the vessel to be carefully surveyed by a competent person, with a view to ascertain her sea-worthiness and the extent and nature of her accommodation for Emigrants, and to ascertain that she is properly ventilated and is supplied with all the requisite tackle for her voyage.

Report after survey, and certificate to Master.

5. The Protector of Emigrants shall make a full report on the survey to the local Government; and if he is of opinion that the vessel is in all respects suitable for the carrying of Emigrants under this Act, but not otherwise, he shall give a certificate to that effect to the Master of the vessel.

Bond to be executed by Master.

6. In consideration of his obtaining a license to carry Emigrants, the Master of every vessel intended to carry Emigrants shall, upon the requisition of the Protector of Emigrants and before any Emigrant shall embark on board of such vessel, execute in duplicate a bond, in such form as the local Government shall prescribe, binding himself and his owners in a penal sum of ten thousand Rupees to conform to the several conditions in this Act provided. It shall be the duty of the Protector of Emigrants to require the Master to execute such bond as aforesaid in duplicate, and to forward one copy of it to the Government of the place to which the Emigrants are to be carried, and the other copy of it to the local Government.

Space and accommodation required on board Emigrant ships.

XLVII. 1. No certificate under the last preceding Section shall be granted, unless there shall be provided for the Emigrants, either between decks or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

2. No compartment shall take more than one adult Emigrant for every ten superficial feet on deck, and for every cubic space of seventy-two feet.

3. A distinct and separate place shall be fitted up for a hospital in every Emigrant ship.

4. Women and children shall occupy a compartment of the vessel distinct and separate from the compartments of the single men.

5. An Emigrant above the age of ten years shall for the purposes of this Act count as an adult, and two children from one to ten years of age shall count as one adult.

Scale of provisions to be shipped and taken.

XLVIII. 1. There shall be actually laden and on board of every vessel carrying Emigrants, at the time of the departure of such vessel from the port at which the Emigrants shall embark, in such quantity and of such description and quality as may be prescribed by any rule framed by the Governor-General of India in Council under Section LXIII, good and wholesome provisions for the use and consumption of the said Emigrants, with fuel for cooking the same, over and above the victualling of the Captain, Officers, and crew, and of the cabin and other passengers, if any, and a supply of water, which shall be carried in tanks or casks to be approved by the Protectors of Emigrants, to the amount of seven gallons for every week of the computed voyage for every Emigrant on board such ship or vessel. When casks are used they shall be sweet and tight, of sufficient strength, and if of wood properly charred inside, and shall not be capable severally of containing more than 300 gallons each: the staves of the water casks shall not be made of fir, pine or soft wood.

rge..., and stores to be carried.

2. Every such vessel shall, at the time of departure aforesaid, have actually on board and shall carry with her a properly qualified European or Native Surgeon, and such Medicines and other stores in such quantity and of such quality as may be prescribed by any rules made under Section LXIII.

Supply of water for vessel destined to call at intermediate port.

3. When any vessel shall be destined to call at a port or place in the course of her voyage for the purpose of filling up her tanks or casks, a supply of water at the rate hereinbefore mentioned, for every week of the probable voyage to such port or place of calling, shall be deemed to be a compliance with this Section. The probable length of the voyage to such port or place of calling shall be determined from time to time by the Protector of Emigrants, subject to the approval of the local Government.

4. When any such vessel is fitted with Normandy's apparatus, or other apparatus approved by the Protector of Emigrants, for distilling sea water, and with proper and sufficient means for working the same, a reduction shall be allowed of one-third in the quantity of water required under this Section.

on vessel fitted with distilling apparatus.

5. It shall be the duty of the Protector of Emigrants and of the Medical Inspector of Emigrants to see personally that all the provisions of this Section are complied with.

Protector and Inspector of Emigrants to ensure compliance with above provisions.

XLIX. Before any vessel carrying Emigrants clears out for any place westward of the Cape of Good Hope, between 1st day of the March and the 15th day of September, the Protector of Emigrants shall personally see that every Emigrant is supplied with at least one extra double blanket, and that the same is placed with his other clothing or luggage. Every Emigrant shall be allowed to make use of such double blanket so long as the vessel is outside of the Tropics.

Protector of Emigrants to see that Emigrants are supplied with extra clothing at a certain of the year.

L. Before any vessel licensed to carry Emigrants shall be cleared out from the port of Calcutta, Madras or Bombay, it shall be necessary for the Master of such vessel to obtain from the Protector of Emigrants at the port of clearance, and from the Emigration Agent for the place to which the Emigrants are intended to proceed, certificates under the hands of such Protector and Emigration Agent respectively, to the effect following, that is to say :—that such Protector and Emigration Agent have, in respect of the Emigrants proceeding in such vessel, done all which is hereinbefore by this Act required to be done on the part of such Protector and Emigration Agent respectively; and that all the directions contained in this Act, for ensuring the health, comfort, and safety of the Emigrants, have been duly complied with, as well as all such rules as the Governor-General of India in Council shall from time to time frame under Section LXIII.

Master of vessel to obtain certificates from Protector of Emigrants, and from Emigration Agent.

LI. The Protector of Emigrants shall, from the report of the Medical Inspector and by personal communication with every Emigrant before embarkation, ascertain that the Emigrant is in good health and not incapacitated from labor by old age, bodily infirmity, or disease. If the Protector of Emigrants shall be of opinion that any Emigrant is in a state of health which makes him unfit to undertake the voyage on which he is about to embark, the Protector shall refuse to permit the embarkation of such Emigrant. The Protector of Emigrants shall also, before the embarkation of any Emigrant, ascertain that such Emigrant has in his possession the copy of the registration provided under Section XXX or Section XXXIII. If it shall appear to the satisfaction of the Protector of Emigrants that any Emigrant has lost the copy of the registration aforesaid, the Protector may furnish such Emigrant with a copy of such registration, to be made from the copy received by the Protector from the Magistrate under Section XXXII, or from the Register kept by himself under Section XXXIII, and shall thereupon allow such Emigrant to embark.

Emigrant unfit to undertake voyage not to be allowed to embark.

LII. The provisions of this Act so far as they are likely more immediately to affect them, shall be explained in a general manner by the Protector of Emigrants to all Emigrants prior to their embarkation.

Provisions of Act to explained to all Emigrants.

LIII. 1. When any Emigrants are about to embark on any vessel, the Emigration Agent for the place to which they are intended to proceed shall furnish the Master of the vessel with five copies of a list, specifying as accurately as may be the names, ages, and occupations, and the names of the fathers of the Emigrants about to embark on board such vessel.

Procedure on embarkation of Emigrants.

2. On embarkation, every Emigrant shall deliver to the Master of the under Section XLII; and it shall not be lawful for the Master to receive any Emigrant on board unless he delivers up such Pass. The Master shall compare the Emigrants who embark, and the Passes delivered by them, with the list furnished by the Emigration Agent, and if the list appear to be correct and to correspond with the Passes delivered and with the Emigrants embarked, the Master shall sign the five copies of the list.

3. It shall be the duty of the Protector of Emigrants to be personally present at the embarkation of all Emigrants, and to see that the Master duly compares the list with the Passes and Emigrants, and he shall himself also compare the list with the Passes and Emigrants.

Protector to be personally present.

4. When the copies of the list have been signed, the Master shall give two copies to the Protector of Emigrants, who shall sign such copies if he believes them to be correct, and shall return one copy to the Master of the vessel; the other copy shall be filed in the Office of the Protector of Emigrants.

One copy of list of Emigrants given to Protector, to be signed and returned to Master.

5. The Protector of Emigrants shall not permit any Emigrant to remain on board who has not a Pass, or is not mentioned in the list aforesaid.

Emigrant not having not to be allowed to remain on board.

6. Every Pass delivered up to the Master of a vessel under this Section shall be returned by him to the Emigrant by whom the same was delivered up, prior to such Emigrant disembarking on the arrival of the vessel at her place of destination.

Pass to be returned to Emigrant at place of destination.

LIV. The Master of every vessel carrying Emigrants shall, after the embarkation of the Emigrants and before the departure of the vessel, give to the Emigration Agent at the port from which such vessel is cleared out two others of the five copies of the list of Emigrants mentioned in the last preceding Section, duly signed by the Master. The Emigration Agent

Copy of list of Emigrants given to Emigration Agent, to be signed and returned to Master.

shall thereupon sign such copies, and shall return to the Master one of the said copies, which shall, on the arrival of the vessel at the place of destination, and previous to the disembarkation of any Emigrant, be delivered by the Master to the Protector of Emigrants or other the proper Officer at such place.

And by him to be delivered at place of destination.

LV. Whenever a vessel carrying Emigrants shall have cleared and shall be proceeding to sea, the Officer of Customs or the Pilot, whichever of these Officers shall remain last on board of the vessel shall, as shortly as conveniently can be before his leaving the vessel, make a muster of the crew and passengers and Emigrants. Such Officer of Customs or Pilot shall use as a Muster-roll a copy of the list signed by the Master and by the Protector of Emigrants under Section LIII, which copy shall be furnished to him by the Master; and after the Muster he shall sign such Muster-roll, noting upon it such discrepancies (if any) as he may have observed.

Muster of crew and passengers and Emigrants.

LVI. Every Officer of Customs and Pilot who shall make a Muster under last preceding Secti shall make a declaration, stating according to the best of his belief that no additional Emigrant has been received on board since the list was signed by the Protector, and that nothing else has been done or omitted to be done in the vessel contrary to the provisions of this Act. Every such Muster-roll and declaration shall be transmitted without delay to the Protector of Emigrants at the port of embarkation.

LVII. It shall be the duty of the Protector of Emigrants on the receipt of the Muster-roll furnished by the Officer of Customs or Pilot under the last preceding Section, carefully to compare the same with the list signed by the Master filed in the Office of the Protector, and to report any discrepancy to the local Government.

Duty of Protector of Emigrants on receipt of list from Customs Officer or Pilot.

LVIII. The Protector of Emigrants shall, by every vessel which carries Emigrants, send to the Protector of Emigrants or other the proper Government Authority at the place for which the Emigrants embark, a correct and detailed list of all Emigrants embarked in such vessel, compiled from the Passes of the Emigrants, and from the list signed by the Master as aforesaid.

Protector shall send to Government of place to which Emigrants are going, a list of Emigrants on board each vessel.

LIX. The Master of every vessel carrying Emigrants from the port of Calcutta shall proceed on his voyage and depart with his vessel from Garden Reach within twenty-four hours after the embarkation of such of the Emigrants as shall have first embarked.

Vessel to sail within 24 hours of embarking Emigrants.

LX. Every vessel sailing from the port of Calcutta with Emigrants shall proceed from Garden Reach to Sea under tow of a competent Steamer.

Vessels sailing from Calcutta to be towed to Sea by Steamer.

LXI. Two copies of this Act and of all Rules made by the Governor-General of India in Council under Section LXIII, and two copies of a translation of this Act and of such Rules, in such language or languages as the local Government may direct, shall be delivered to the Master of every vessel carrying Emigrants by the Emigration Agent at the time of clearance, and shall be kept on board of every such vessel during the whole voyage, and one of such copies or translations shall upon request made at all reasonable times to the Master of the vessel be produced to any Emigrant or passenger for his perusal.

Copies of Act and Rules to be kept on board every vessel carrying Emigrants.

LXII. In case of sickness breaking out on board of any vessel conveying Emigrants to the British Dependency of Seychelles, such Emigrants may be taken to the Quarantine Station of the Island of Mauritius, and in such case such Emigrants may, at their option, contract for service at the said Island of Mauritius, or may proceed to the said Dependency of Seychelles; and if they shall elect to contract for service in the Island of Mauritius, such Emigrants shall then be regarded and treated, in all respects, as if they had emigrated to the said Island under the provisions of this Act.

In case of sickness Emigrants for Seychelles may be taken to Quarantine Station of Mauritius.

LXIII. It shall be lawful for the Governor-General of India in Council from time to time to make Rules, and to repeal, alter, and amend the same, not inconsistent with the provisions of this Act,—

to make Rules.

1. To regulate the proportion of women to be taken with Emigrants, and the age below or above which children shall not be taken;

2. To prescribe the description, quantity and quality of provisions to be taken by vessels carrying Emigrants, the daily allowance of food and water to be issued to each Emigrant during the voyage, and the nature and amount of clothing which shall be supplied to the Emigrants;

3. To provide for the Medical care of Emigrants during their residence at the depôts and on their voyages;

4. To prescribe the nature, quality and quantity of Medical drugs and other stores to be carried on board such vessels;

5. To provide for the ventilation and cleanliness of such vessels during their voyages, and for their being furnished with a sufficient number of suitable boats for use in case of shipwreck or fire;

6. To provide for a Journal being kept by the Surgeon of every such vessel, of the health of the Emigrants, and of his treatment of the sick, together with full explanations of the causes of every death;

7. And generally to provide for the security, well-being and protection of Emigrants.

All such Rules shall be published in the Gazette of India and shall have the same force and effect as if they were contained in this Act.

Governor-General in Council may prohibit emigration of Native laborers to any place to which emigration is allowed.

LXIV. Whenever the Governor-General of India in Council shall have reason to believe, that in any place to which emigration is lawful under this Act, proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein, or for their safe return to India, or to provide a return passage to India for any such Emigrants at or about the time at which they are entitled to such return passage, it shall be lawful for the said Governor-General of India in Council, by notification published in the Gazette of India, to declare that emigration to such place shall cease and be prohibited from a certain day to be specified in the notification.

Emigration to place mentioned to be suspended from the day specified in the notification.

LXV. After any notification shall have been published under the last preceding Section, emigration to such place as is specified in such notification shall be suspended from the day specified in the notification: but such suspension shall not affect any act done, offence committed, or proceedings commenced before such suspension.

During such suspension, all the laws against emigration shall be in force as to the place specified in the notification.

LXVI. During the time of such suspension, any provisions of this or of any other Act in force f the time being, prohibiting emigration, or the aiding or abetting of emigration, or the making of any contract for labor to be performed by any Native of India out of the British Territories in India, shall take effect and be in force so far as relates to the place specified in the notification, in the same manner and to the same extent as if emigration to such place had never been declared to be lawful.

Revocation of suspension.

LXVII. Whenever the Governor-General of India in Council shall be satisfied that, in the place specified in any notification under Section LXIV, proper measures have been taken and will be adopted for the protection of Emigrants immediately upon their arrival thereat and during their residence therein, and for their safe return to India, and for providing return passages to India, for such Emigrants at or about the time at which they are entitled to such return passages, it shall be lawful for the said Governor-General of India in Council to notify in the Gazette of India that emigration to such place shall again be allowed from a day to be specified in such notification; and thereupon all the provisions of this or any other Act in force for the time being authorizing emigration to such place shall, from the day so specified, be revived and have the same force and effect as if such emigration had not been suspended, except as to acts done, offences committed, and proceedings commenced during the time of such suspension.

Fees received are to be accounted for to Government.

LXVIII. All fees received by any Magistrate, Protector of Emigrants, or other Officer under this Act, shall be accounted for to Government in such manner as the Governor-General of India in Council may direct.

Penalty for making unlawful contract of labor.

LXIX. Whoever shall except under and in conformity with the provisions of this Act make any contract with any Native of India for labor to be performed in any place beyond British India to which emigration is not authorized under this Act, or under the said Acts XLVI of 1860, and VII of 1862, shall be deemed to have committed the offence specified in Section 363 of the Indian Penal Code: and whoever shall knowingly enable or assist any Native of India to emigrate to any such place, or aid in or abet the emigration of any Native of India to any such place, shall be deemed to have abetted the commission of that offence.

Penalty for recruiting without being licensed.

LXX. Whoever not being a Recruiter duly licensed under this Act, shall act or be employed as a Recruiter of laborers, or shall contrary to the provisions of this Act enter into any contract with a Native of India for labor to be performed by such Native of India in any place beyond British India (whether emigration to such place is or is not authorized under this Act or under the said Acts XLVI of 1860 and VII of 1862), shall be liable to a fine not exceeding five hundred Rupees.

for Recruiter to take the la- he has engaged before the Magistrate of the District, or the Protector of Emigrants.

LXXI. Whoever being a duly licensed Recruiter shall remove any Emigrant whom he may engage in any district or place other than the Towns of Calcutta, Madr Bombay, from such or place without such Emigrant having appeared along with the Recruiter before the Magistrate of the District, in order that such person might be examined and registered; and whoever shall remove any Emigrant whom he may engage in any one of the Towns of Calcutta, Madras, or Bombay, from such Town or to an Emigration depôt without such Emigrant having appeared with the Recruiter before the Protector of Emigrants, in order that such person might be examined and registered; and whoever shall by means of intoxication, violence, fraud, or false pretences induce any Native of India to enter into a contract for labor to be performed by him in any place to which emigration shall be lawful under this Act, or to proceed to any such place without having entered into any contract; and whoever shall failto supply any Emigrant whom he shall have engaged, and who shall be registered, with suitable food, or shall otherwise ill-treat such Emigrant on his journey to the depôt; and whoever shall forward, send, or convey any such Emigrant otherwise than is provided in Section XXXVI, or to any house or place in or near the Towns of Calcutta, Madras, or Bombay respectively, other than the depôt for the Emigrants for the place at which such Emigrant shall have contracted to labor—shall be liable to a fine not exceeding five hundred Rupees.

For inducing laborer to contract by fraud, &c.

And for not taking the laborer to the depôt for which he was engaged.

Penalty for forwarding laborers or allowing them to go without being duly registered.

LXXII. Whoever being a duly licensed Recruiter, shall forward or send any Emigrant from the District or Town in which he has entered into an engage-

ment, to any Emigration depôt without such Emigrant having been duly registered in accordance with the provisions of Sections XXX and XXXIII; and whoever being a duly licensed Recruiter shall induce or knowingly permit any such Emigrant to leave such District or Town or to proceed to any Emigration depôt, for the purpose of emigrating to any place without the Emigrant being duly registered as aforesaid—shall be liable to a fine not exceeding five hundred Rupees.

Penalty for false representation of Government authority.

LXXIII. Whoever without lawful authority shall issue any written perwannah or order to the Police to assist himself or any other person to procure laborers to proceed to any place beyond British India, or shall falsely represent that such laborers are required by the Government or are to be engaged on behalf of Government—shall be liable to a fine not exceeding five hundred Rupees.

Penalty for receiving Emigrants in an unlicensed vessel.

LXXIV. If the Master of any vessel which shall not have been licensed as provided in Section XLVI, shall knowingly receive any Emigrant on board in order to convey such Emigrant to any place contrary to the provisions of this Act, such Master of such vessel shall be liable to simple or rigorous imprisonment for a period not exceeding one year, and also to a fine not exceeding one thousand Rupees for every such Emigrant received on board, and the vessel shall be liable to be forfeited.

Penalty for clearing ship without complying with rules.

LXXV. If the Master of any vessel shall at the Port of Calcutta, the Port of Madras, or the Port of Bombay, clear such vessel for any place to which emigration shall be lawful under this Act, and take on board any Emigrant without having fully complied with every particular required in Sections XLVIII and L, he shall be liable to a fine not exceeding two hundred Rupees for every Emigrant so taken on board.

Penalty for taking on board after clearance Emigrants not entered in list.

LXXVI. If the Master of any vessel shall, after having cleared such vessel for any place to which emigration shall be lawful under this Act, take on board any Emigrant without such Emigrant having been duly entered in the lists mentioned in Sections LIII and LIV, and in the manner in those Sections prescribed, he shall be liable to a fine not exceeding two hundred Rupees for every Emigrant so taken on board his vessel.

Penalty for fraudulent acts whereby certificate becomes inapplicable to the altered of the

LXXVII. If the Master of any vessel cleared for any place to which emigration shall be lawful under this Act, shall after having obtained a certificate in accordance with the provisions of Section XLVI fraudulently do, or suffer to be done, any act or thing whereby such certificate shall become inapplicable to the altered state of the vessel, or other matter to which such certificate relates, such Master shall be liable to a fine not exceeding five thousand Rupees, besides incurring a forfeiture of any bond executed in consideration of any license obtained for the vessel as originally described.

Penalty for proceeding to Sea without tow.

LXXVIII. If the Master of a vessel sailing from the Port of Calcutta, licensed under Section XLVI and sailing with Emigrants on board, shall without reasonable excuse cause or allow his vessel to proceed from Garden Reach to Sea, or to proceed any part of the distance between Garden Reach and Sea, without his vessel being under tow of a competent Steamer, or if such vessel shall not have left Garden Reach and proceeded on her voyage within the time prescribed in Section LIX, the Master of such vessel shall be liable to a fine not exceeding one thousand Rupees.

Customs Officers and Pilots may search and detain for purposes of this Act.

LXXIX. All the powers vested by law in the Officers of Customs in regard to the searching and detention of vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such Officers for the prevention of the illegal embarkation of Emigrants on board vessels bound for any place to which emigration shall be lawful under this Act, and of other offences against this Act; and all Pilots in the service of or licensed by Government are hereby vested with the same powers, and charged with the same duties as Officers of Customs in this behalf.

Penalty for false report by C Officer or Pilot.

LXXX. Any Officer of Customs or Pilot who shall wilfully make a false, erroneous, or incomplete report of the Emigrants on board of any vessel, or who shall connive at the unauthorized embarkation of any Emigrants shall be liable, besides dismissal, to a fine of five hundred Rupees.

Prosecutions under

LXXXI. All prosecutions under this Act shall be instituted on information laid at the instance of an Emigration Agent, or of a Protector of Emigrants, or an Officer appointed for the purpose by the local Government, before a Magistrate of Police or before the Magistrate of the District, according as they shall be instituted for offences committed within or for offences committed beyond the limits of the Towns of Calcutta, Madras and Bombay.

Levy of fines.

All fines imposed under the authority of this Act may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Officer imposing the fine. When a warrant of distress is issued, the said Officer may order the offender to be detained and kept in safe custody until return can be conveniently made to such warrant, unless the offender enter into a recognizance, with or without sureties, conditioned for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such recognizance; but if, before issuing such warrant of distress, it shall appear to the Officer imposing the fine by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Officer whereon to levy such fine or penalty, he may, if he think fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued and upon the return thereof

such insufficiency as aforesaid shall be made to appear to the Officer imposing the fine, he shall, by warrant, commit the offender to jail, there to be imprisoned with or without hard labor, for any term not exceeding two months where the amount of the fine shall not exceed fifty Rupees and for any term not exceeding four months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount. The fine or any part thereof which remains unpaid may be levied at any time within six years after the passing of the order imposing it; and the death of the offender does not discharge from the liability any property which would after his death be legally liable for his debts.

Any person specially authorized may exercise the powers, &c., of the Magistrate of the District.

LXXXII. It shall be lawful for the local Government from time to time to authorize any person invested with the powers of a Magistrate as defined in the Code of Criminal Procedure, to perform the duties and exercise the powers by this Act assigned to and conferred on the Magistrate of the District: and every person so authorized shall in all respects for the purposes of this Act be deemed to be included in the words "the Magistrate of the District."

This Act, except certain Sections, not to apply to emigration to the French Colonies.

LXXXIII. So much of Section VIII of Act XLVI of 1860 as enacts that a fee not exceeding one Rupee per Emigrant as may be regulated from time to time by the Local Government shall be demandable in respect of every license in the said Section mentioned, is hereby repealed. Save as aforesaid, nothing in this Act shall be held to repeal the said Act XLVI of 1860, or Act VII of 1862: but Section XIX to Section XLI, both included, being provisions for regulating the recruitment of Native laborers which will have effect on the recruitment of laborers for British Colonies, shall, as provided in Section IV of the said Act XLVI of 1860, apply to emigration under the said Acts XLVI of 1860 and VII of 1862.

Commencement of Act.

LXXXIV. This Act shall come into operation on the first day of July 1864.

LXXXV. Nothing in this Act or in any Rule to be made by the Governor-General of India in Council under Section LXIII, shall apply to any vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's Vessels.

A. G. MACPHERSON,

Offg. Depy. Secy. to the Govt. of India,
Home Dept.

SCHEDULE A.

Number and date of Acts.	Title.	Extent of Repeal.
Act XIV. 1839 ...	Relating to contracts for labor in British or Foreign Colonies.	The whole Act.
„ XV. 1842 ...	For regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to the Island of Mauritius.	Ditto.
„ XXI. 1843 ...	For regulating the Emigration of laborers from India to Mauritius.	Ditto.
„ XXI. 1844 ...	For regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to Jamaica, British Guiana, and Trinidad.	Ditto.
„ XXV. 1845 ...	For regulating the time of sailing of ships carrying Emigrants from Madras to Jamaica, British Guiana and Trinidad.	Ditto.
„ VIII. 1847 ...	For rendering lawful the Emigration of Laborers from the Port of Madras, in the Presidency of Fort St. George to Mauritius.	Ditto.
„ XIII. 1847 ...	For repealing Act XIV of 1839, so far as it relates to the Emigration of Natives of India to the Island of Ceylon.	Ditto.
„ IV. 1852 ...	To amend the law relating to Emigrant Vessels and the Emigration of laborers.	Ditto.
„ XXIV. 1852 ...	For amending and explaining Act XIV., 1839, and for the better prevention of crimping.	Ditto.

SCHEDULE A,—*continued.*

Number and date of Acts.	Title.	Extent of Repeal.
Act XXXI. 1855 ...	Relating to the Emigration of Native Laborers to the British Colonies of Saint Lucia and Grenada.	Ditto.
„ XIX. 1856 ...	To enable the Governor-General of India in Council to suspend the operation of certain Acts relating to the Emigration of Native Laborers.	So much of the Act as is not incorporated in Acts XLVI. of 1860 and VII. of 1862.
„ XII. 1860 ...	Relating to the Emigration of Native Laborers to the British Colony of Saint Vincent.	The whole Act.
„ XXXIII. 1860 ...	Relating to Emigration to the British Colony of Natal.	Ditto.
„ XLI. 1860 ...	Relating to the Emigration of Native Laborers to the British Colony of Saint Kitts.	Ditto.
„ XLIX. 1860 ...	Relating to vessels carrying Emigrant Passengers to the British Colonies.	Ditto.
„ XXII. 1862 ...	Relating to Emigration to the British Colonial Dependency of Seychelles.	Ditto.
„ VII. 1863 ...	Relating to the Emigration of Native Laborers to the Danish Colony of Saint Croix.	Ditto.

SCHEDULE B.

Office of the Protector of Emigrants at the Port of

A. B. is hereby licensed under Act of 1864 of the Governor-General of India in Council to be a Recruiter for engaging persons to proceed to for the purpose of laboring for hire.

This license will be in force for one year only from this date.

Dated the day of

(Signed) C. D.,
Protector of Emigrants.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 18th March 1864, and is hereby promulgated for general information :—

ACT No. XIV OF 1864.

An Act to give validity to certain acts and proceedings of the Joint Judge of the Konkan.

Preamble.

Whereas the Government of Bombay is empowered under Act XXIX of 1845 to appoint, with the consent of the Governor-General of India in Council, a Joint Judge and a Joint Sessions Judge in any Zillah of the Bombay Presidency, whenever the state of judicial business shall render such appointment expedient: and whereas on the twenty-fifth day of February 1863 the Government of Bombay appointed a Joint Judge and Joint Sessions Judge of the Zillah of the Konkan, and did not obtain the consent of the Governor-General of India in Council until the eleventh day of July 1863: and whereas the High Court of Bombay has held that the consent of the Governor-General of India in Council alluded to in Act XXIX of 1845, signifies the previous consent, and it is therefore necessary to give legal validity to all orders and decisions passed and all proceedings held by any Officer exercising the powers of Joint Judge and Joint Sessions Judge of the Konkan between the twenty-fifth day of February 1863 and the eleventh day of July 1863; It is enacted as follows :—

Sanction given by Governor-General to appointment of Joint Judge of the Konkan to have effect as if given before twenty-fifth February 1863.

I. The consent granted by the Governor-General of India in Council on the eleventh day of July 1863 to the appointment by the Government of Bombay of a Joint Judge and Joint Sessions Judge of the Konkan, shall have the same effect as if it had been granted before the twenty-fifth day of February 1863, and no order or decision passed and no proceeding held in any Civil or Criminal case by any Officer appointed to the said office of Joint Judge and Joint Sessions Judge of the Konkan on or after the said twenty-fifth day of February 1863 and before the said eleventh day of July 1863, shall be deemed to be invalid merely by reason of such order or decision having been passed or such proceeding having been held without the consent of the Governor-General of India in Council to the appointment of Joint Judge or Joint Sessions Judge of the Konkan having been previously given.

A. G. MACPHERSON,
Offg. Depy. Secy. to the Govt. of India,
Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

Act No. XV of 1864.

An Act to amend Act VIII of 1851 *(for enabling Government to levy Tolls on Public Roads and Bridges).*

Preamble.

Whereas by Act VIII of 1851 *(for enabling Government to levy Tolls on Public Roads and Bridges)* authority was given for the levy of certain rates of Toll, not exceeding the rates mentioned in the Schedule annexed to that Act; and whereas it is expedient to make certain alterations in respect to the rates in the said Schedule mentioned; It is enacted as follows :—

Schedule of Act VIII of 1851 repealed, and another Schedule substituted.

I. In any place to which this Act shall be extended by the local Government, the Schedule to the said Act VIII of 1851 shall be of no effect except as to any proceedings pending at the time at which this Act shall be so extended, and except as to any rate of Toll levied theretofore: and all the provisions of the said Act, applicable or referring to the rates of Toll mentioned in the said Schedule, shall be applicable and refer to the rates of Toll mentioned in the Schedule to this Act annexed, which shall be read with and taken as part of the said Act VIII of 1851.

Collectors of Tolls may compound for Tolls leviable under Act VIII of 1851 or this Act.

II. Any person entrusted with the management of the collection of Tolls under Act VIII of 1851, may in his discretion compound for any period not exceeding one year with any person for a certain sum to be paid by such person for himself or for any vehicle or animal kept by him, in lieu of the rates of Tolls specified in the Schedule to the said Act VIII of 1851 or in the Schedule to this Act.

This Act where to have operation.

III. The local Government may extend this Act to any place in which the said Act VIII of 1851 is in force: and the local Government of any place in which the said Act VIII of 1851 is not in force may extend the said Act VIII of 1851 and this Act to such place.

"Local Government."

IV. For the purposes of this Act, the words "Local Government" shall denote the person authorized by law to administer Executive Government in any part of the territories vested in Her Majesty by the Statute 21 and 22 Vic, cap. 106, entitled "An Act for the better Government of India."

SCHEDULE.

	Rs.	A.	P.
On every four-wheeled Carriage -	2	0	0
On every two-wheeled Carriage -	1	0	0
On every Ekka - - -	0	4	0
On every hackery on springs -	0	2	0
On every cart and hackery not on springs drawn by eight bullocks, buffaloes, horses, ponies, asses, or mules, if laden - - -			
Ditto, if not laden - -			
On every cart and hackery drawn by six bullocks, buffaloes, horses, ponies, asses, or mules, if laden - -	0	12	0
Ditto, if not laden - -	0	6	0
On every cart or hackery drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden - -	0	8	0
Ditto, if not laden - -	0	4	0
On every cart and hackery drawn by two bullocks, buffaloes, horses, ponies, asses, or mules, if laden - -	0	4	0
Ditto, if not laden - -	0	2	0
Buffaloes or bullocks, per head, if laden	0	1	0
Ditto, if not laden - -	0	0	6
On every elephant - -	1	8	0
On every camel, if laden - -	0	8	0
Ditto, if not laden - -	0	4	0
On every horse, if laden or ridden -	0	1	6
Ditto, unladen or led - -	0	0	9
On every tattoo or mule, if laden or ridden - - -	0	0	9
Ditto, unladen or led - -	0	0	6
On every ass, if laden or ridden -	0	0	6
Ditto, unladen or led - -	0	0	3
On every sheep, or goat, or pig -	0	0	1
On every palankeen, doolie, palna, or tonjon, with eight bearers -	1	0	0
Ditto, with six bearers - -	0	12	0
Ditto, four bearers - -	0	8	0
Ditto, two bearers - -	0	4	0
On every foot passenger - -	0	0	3

N. B.—Animals drawing any vehicle for which Toll can be demanded are not to be also charged with Toll.

C. Boulnois,

Offg. Depy. Secy. to the Govt. of India, Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

Act No. XVI of 1864.

An Act to provide for the Registration of Assurances.

Preamble.

Whereas it is expedient to consolidate and amend the laws relating to the Registration of Assurances; It is enacted as follows :—

REPEAL OF REGULATIONS AND ACTS.

Laws repealed.

I. The Regulations and Acts and parts of Regulations and Acts set forth in the Schedule annexed to this Act are hereby repealed to the extent mentioned in the said Schedule, except in so far as such Regulations or Acts rescind other Regulations or Acts, and except as regards Instruments duly registered under them or any of them before the date on which this Act shall come into operation.

Repeal of laws in Non Regulation Territories.

II. From the date on which this Act shall be extended as hereinafter provided to any part of British India in which the Regulations and Acts mentioned in the Schedule annexed to this Act are not in force, all Rules and Regulations relating to the Registration of Assurances in force in such part of British India shall cease to

have effect, except as regards Instruments duly registered under any of the said Rules or Regulations in such part of British India.

Interpretation.

III. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction—that is to say:—

"British India."

The words "British India" denote the Territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic, cap. 106, entitled "An Act for the better government of India," except the Settlement of Prince of Wales' Island, Singapore, and Malacca:

"Local Government."

The words "Local Government" denote the person or persons authorized by law to administer the executive Government in any part of British India:

"Year" and "month."

The words "year" and "month" denote a year or month respectively by the British Calendar:

"Section."

The word "Section" denotes a Section of this Act:

Number.

Words importing the singular number include the plural number; words importing the plural number include the singular number:

Gender.

Words importing the masculine gender include females.

Governor-General of India may vest in the Head Executive Officer of any Territory under his immediate administration, the powers conferred by this Act.

IV. It shall be lawful for the Governor-General of India in Council, by an order to be published in the Gazette of India, to declare that in any Territory under the immediate administration of the Government of India the Head Executive Officer of such Territory shall exercise the powers vested by this Act in the local Governments, and thereupon such Officer shall, for the purposes of this Act, be the local Government of such Territory as defined in this Act.

REGISTRATION ESTABLISHMENT.

General Register Office.

V. Every local Government shall establish within the Territories subject to such Government, at such place as to it shall seem fit, an Office to be called the General Register Office, and shall appoint an Officer to the charge of such Office, who shall be the Registrar General of the Territories for which he is appointed. Nothing in this Act contained shall make it unlawful for any Registrar General to hold simultaneously any other Office to which he may be appointed by the local Government.

Formation of Districts and Sub-Districts.

VI. For the purposes of this Act, the local Government shall form Districts and shall divide such Districts into Sub-Districts, and shall prescribe and from time to time may alter the limits of the Districts and Sub-Districts so formed.

The local Government shall also for the purposes of this Act prescribe the limits of the Presidency Towns of Calcutta, Madras, and Bombay respectively: and every such Town shall for the purposes of this Act be deemed a District.

The local Government may, if it shall think fit so to do, divide the said Presidency Towns respectively into Sub-Districts, and may from time to time alter the limits of the said Presidency Towns and of the said Sub-Districts thereof.

The Districts and Sub-Districts formed under this Section, together with the limits thereof, and every alteration of such limits, shall be forthwith notified by the local Government in the Official Gazette.

ter Offices.

VII. The local Government shall establish in every District an Office to be styled the District Register Office, and in every Sub-District an Office to be styled the Deputy Register Office.

Appointment of District and Deputy Registrars.

VIII. The local Government may appoint such persons, whether Public Officers or not as it may think proper, to be District Registrars of the several Districts, and to be Deputy Registrars of the several Sub-Districts formed as aforesaid respectively: Provided that, except in the said Presidency Towns of Calcutta, Madras, and Bombay, no person shall at the same time hold both the Office of District Registrar and the Office of Deputy Registrar.

Position of the District Registrar of a Presidency Town.

IX. In each of the Presidency Towns aforesaid not for the time being divided into Sub-Districts, the District Registrar shall perform all the duties of a Deputy Registrar of a Sub-District under this Act in the same manner and subject to the same rules as if such Presidency Town were a Sub-District; provided that there shall be no appeal under Section LXII from his order.

Provision for cases of absence or vacancies.

X. In case of the absence of any Deputy Registrar, or of a vacancy occurring in the Office of any Deputy Registrar, it shall be lawful for the District Registrar to whom such Deputy Registrar is subordinate to appoint any person whom he may think proper to take temporary charge of the Office of such Deputy Registrar, and to register Instruments in the same manner as if such person had been appointed to the Office by the local Government. In case of the absence of any District Registrar, or of a vacancy occurring in the Office of any District Registrar, the Judge of the principal Court of original civil jurisdiction of the District shall, during such absence or vacancy, be the District Registrar. In case of the absence of the District Registrar of a Presidency Town, or of a vacancy occurring in the Office of any such Registrar, it shall be lawful for the Registrar General of the Presidency or place to appoint any person whom he may think proper to take temporary charge of the Office of such Registrar.

Salaries and establishments.

XI. It shall be lawful for the local Government, with the sanction of the Governor-General of India in Council, to assign such salaries as such local Government may from time to time deem proper to the Registrar General, the District Registrars, and the Deputy Registrars appointed under this Act, or to provide for the remuneration of such Officers by fees, or partly by fees and partly by salaries. It shall also be lawful for the local Government, with the like sanction, to allow such establishments for the General Register Office and for the Offices of the

several District Registrars and Deputy Registrars as may be necessary for the purposes of this Act.

Seal of Office.

XII. The Registrar General and the several District Registrars and Deputy Registrars shall use a seal bearing the following inscription in English and in such other language as the local Government shall direct: "The Seal of the Registrar General *(or of the District Registrar, or Deputy Registrar)* of ".

INSTRUMENTS TO BE REGISTERED.

Certain Instruments not to be received in evidence unless registered according to provisions of this Act.

XIII. No Instrument being a deed of gift of immoveable property, no lease of immoveable property for any period exceeding one year, no Instrument (other than a deed of gift or lease as aforesaid) which purports or operates to create, declare, transfer, or extinguish any right, title, or interest of the value of one hundred Rupees or upwards in any immoveable property, and no Instrument which acknowledges the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest as above of such value as aforesaid, in any immoveable property, shall be received in evidence in any Civil proceeding in any Court, or shall be acted on by any Public Officer, if such Instrument shall have been executed on or after the date on which this Act shall come into operation, and if the property to which such Instrument relates shall be situate in any part of British India in which this Act is in force, unless the same shall have been registered in the manner and within the time prescribed by this Act. Provided that the provisions of this Section shall not apply to any lease executed between landlord and tenant relative to land in the Presidency of Madras liable to the payment of revenue to Government, but any such lease may be registered under Section XVI, subject to the provisions of Sections XVII and XIX.

Value of right, title, or interest affected by Instruments required to be registered, to be determined by Stamp affixed thereto.

XIV. For the purposes of this Act, the value of the right, title, or interest in any immoveable property created, declared, transferred, or extinguished by any Instrument shall be taken to be the value indicated by the Stamp affixed thereto or impressed thereon under Act X of 1862 *(to consolidate and amend the law relating to Stamp Duties)*, or under any other Act for the time being in force for regulating the Stamp Duties.

On refusal to register, regular suit may be brought to enforce registration.

XV. If a District Registrar or Deputy Registrar shall refuse to register an Instrument falling within the provisions of Section XIII, it shall be lawful for any person interested to institute a regular suit in order to establish his right to have such Instrument registered, and the Instrument shall be admissible in evidence for the purposes of such suit. The District Registrar or Deputy Registrar who refused to register such Instrument shall not be made a party to any such suit, but the Court may if it shall think proper order such District Registrar or Deputy Registrar to register the Instrument, and he shall be bound to comply with the order. The petition of plaint in any suit instituted under this Section shall be written on paper bearing a stamp of the value of eight annas.

tration of which is optional.

XVI. On and after the date on which this Act shall come into operation, any of the following Instruments executed on or after the said date may be registered under this Act:—

1. Any Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest of value less than one hundred Rupees, in any immoveable property.

2. Any Instrument which acknowledges the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest, of such value as aforesaid, in any such immoveable property.

3. Any lease for a period not exceeding one year.

4. Any Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest in any moveable property.

5. Any Will, Codicil, or Authority to adopt a son.

6. Any decree or order of Court or private award of arbitration.

7. Any Deed, Bond, Contract, or other Obligation.

TIME OF REGISTRATION.

When certain Instruments must be presented for registration.

XVII. No Instrument of the descriptions mentioned in Sections XIII and XVI (other than a Will, Codicil to a Will, or Authority to adopt a son), which shall have been executed before the date on which this Act shall come into operation, shall be accepted for registration unless such Instrument be presented for registration within twelve months from such date.

Provision as to certain other Instruments.

XVIII. No Instrument of the descriptions mentioned in Section XIII, which shall have been executed after the date on which this Act shall come into operation, shall be accepted for registration unless presented for that purpose to the proper Officer within four months from the date of the execution thereof.

Provision as to certain Instruments executed after the Act comes into operation.

XIX. No Instrument of any of the descriptions mentioned in Section XVI (other than a Will, Codicil to a Will, or Authority to adopt a son) which shall be executed after the date on which this Act shall come into operation, shall be accepted for registration unless presented within two months from the date of the execution thereof.

Time for Registration of Wills, &c.

XX. Any Will, Codicil to a Will, or Authority to adopt a son may at any time be registered in the manner hereinafter provided by the person making such Will or Codicil, or giving such Authority.

PLACE OF REGISTRATION.

XXI. Save as in this Act otherwise provided, every Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest in any immoveable property, and any Instrument acknowledging the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest in any immoveable property, or any lease, shall be presented for regis-

tration in the Office of the Deputy Registrar within whose Sub-District the property is situate.

Provision as to other Instruments.

XXII. Every Instrument other than an Instrument of the nature specified in the last preceding Section, shall be presented for registration in the Office of the Deputy Registrar within whose jurisdiction such Instrument is executed, or at any Registry Office under the same local Government at which all the parties executing such Instrument shall desire the same to be registered.

Registration of Instrument affecting property situate in more than one Sub-District.

XXIII. Every Instrument affecting immoveable property the whole of which, although situate in one District, is not situate in one Sub-District, may be presented for registration to any Deputy Registrar within whose Sub-District any part of such property is situate. It shall be the duty of such Deputy Registrar, after registering the Instrument, forthwith to cause to be made and to forward a copy thereof endorsed in the manner provided in Section XXV to the District Registrar to whom he is subordinate, who shall register the same, and forward a copy of such Instrument and of the endorsement aforesaid, to every Deputy Registrar in his District in whose Sub-District any part of such property is situate, other than the Deputy Registrar in whose Office the Instrument shall have been originally registered, and every Deputy Registrar who shall receive such copy shall forthwith register the same.

Instruments in language not understood by Deputy Registrar.

XXIV. If any Instrument tendered for registration be in a language which the Deputy Registrar does not understand, the Deputy Registrar shall refuse to register the Instrument, and shall refer the parties to the District Registrar, who shall deal with the Instrument in the same manner as he is required by this Act to deal with Instruments presented to him in the first instance for registration.

Registration of Instruments affecting property situate in several Districts.

XXV. Every Instrument affecting immoveable property situate in more Districts than one, may be presented for registration to the District Registrar of any such District in which any part of such property is situate. It shall be the duty of such District Registrar after registering the Instrument to cause to be made and to forward to the District Registrar of every District in which any other part of such property is situate, a copy of such Instrument endorsed with an attestation stating the date on which it was registered and its number in his Register Book. The District Registrar receiving such copy so forwarded and endorsed shall register the same as if it had been presented to him in the first instance, and shall forward a copy of such Instrument and of such endorsement as aforesaid to the Deputy Registrar of each Sub-District within the local limits of his jurisdiction in which any part of such property is situate, and every Deputy Registrar who shall receive such last mentioned copy shall forthwith register the same.

XXVI. It shall be lawful for the Registrar General in his discretion to eive and register any Instrument of the nature specified in Section XXI which may be presented at his Office for registration, without reference to the situation of the property to which the Instrument relates. In registering any Instrument under this Section, the Registrar General shall follow the mode of registration hereinafter prescribed for the registration of Instruments presented in the first instance to a District Registrar or a Deputy Registrar.

Procedure in case of gistration by Registrar General.

XXVII. It shall be the duty of the Registrar General on any such Instrument being registered in his Office under the last preceding Section, to cause to be made and forwarded to every District Registrar within the local limits of whose jurisdiction any part of the property to which the Instrument relates is situated, a copy of such Instrument endorsed with an attestation stating the date on which it was registered and the number in his Register Book: and the District Registrar receiving such copy shall register the same as if it had been presented to him in the first instance, and shall forward a copy thereof and of the endorsement aforesaid to the Deputy Registrar of each Sub-District within his jurisdiction in which any part of such property is situate, and every Deputy Registrar who shall receive such copy shall register the same.

Instruments for registration by whom to be presented.

XXVIII. Every Instrument to be registered under this Act, not being a Will, Codicil to a Will, or an Authority to adopt a son, shall be presented at the Office in which such Instrument is to be registered by all the parties executing the same, or by the heirs, representatives, or assigns of such parties or by the authorized agents of such parties, or of their heirs, representatives, or assigns under a power of attorney special or general. But no such power of attorney shall be recognized for the purposes of this Act unless it shall have been executed in the presence of and duly attested by the District Registrar or Deputy Registrar within the local limits of whose jurisdiction the person executing the same resides if he reside in any part of British India subject to the operation of this Act, or if he reside in a part of British India not subject to the operation of this Act unless it shall have been executed in the presence of and been duly attested by the Officer presiding over the principal Court of original civil jurisdiction within the local limits of whose jurisdiction the person executing the same resides. If the person executing such power of attorney do not reside within any part of British India, it shall not be recognized for the purposes of this Act unless it shall have been executed in the presence of and duly attested by an Officer of the British Government, or by a Notary Public where there is such a functionary. The provisions contained in this Section relating to the execution of powers of attorney in the presence of the District Registrar or Deputy Registrar, shall not apply in the case of a native woman of a rank or description, which according to the customs of the country would render it improper to require her personally to attend at the Office of the District Registrar or Deputy Registrar. In the case of any woman of the rank or description abovementioned, the District Registrar or Deputy Registrar, if satisfied that the power of attorney is the free and voluntary act of the woman by whom it purports to have been made, may attest the same without requiring her personal attendance at his Office. For the purpose of satisfying himself on this point, the District Registrar or Deputy Regi

trar may proceed or depute some trustworthy person to the residence of the woman to take her examination in the mode prescribed for taking the evidence of native females of rank.

MODE OF REGISTRATION.

Enquiry concerning identity of parties appearing before the Deputy Registrar who are not personally known to him.

XXIX. On the parties to any Instrument, their heirs, administrators, or assigns, or the agents of such parties authorized as hereinbefore provided appearing before the District Registrar or Deputy Registrar for the purpose of obtaining the registration of such Instrument, he shall proceed to enquire whether such Instrument was executed or not by all the parties thereto by whom it purports to have been executed, and to satisfy himself of the right of any person to appear as the heir, administrator, or assign of any party whom he shall claim to represent, or if any party shall appear by agent, of the authority of such agent. If all the parties executing the Instrument appear personally before the District Registrar or Deputy Registrar and are personally known to him, or in case they are not personally known to him if they satisfy him that they are the parties they represent themselves to be, and if they all admit the execution of the Instrument, or in the case of any party appearing by authorized agent if such agent shall admit. the execution of the Instrument, the District Registrar or Deputy Registrar shall register the same.

Names and addresses of persons examined to be entered.

XXX. The District Registrar or Deputy Registrar shall enter in the Register Book the name and address in full of every person whom he may examine as to any of the matters in the last preceding Section mentioned.

Power of Deputy Registrars to summon parties whose evidence is required.

XXXI. If any party to an Instrument shall require assistance to procure the attendance of a person whose testimony is necessary for the registration of such Instrument by a Deputy Registrar, such Deputy Registrar may in his discretion and if such person shall be within the local limits of the jurisdiction of such Deputy Registrar, issue a summons requiring such person to attend at the Office of such Deputy Registrar at a time named in such summons.

When person whose evidence is required is not within the jurisdiction of the Deputy Registrar.

XXXII. If the person whose attendance is required is not within the local limits of the jurisdiction of the Deputy Registrar, the party to the Instrument who requires his attendance shall apply through the Deputy Registrar to the District Registrar in whose District such person is, and the District Registrar may in his discretion issue a like summons for the attendance of such person at the Office of such Deputy Registrar.

Provisions of last two Sections to apply to cases of registration by District Registrar or Registrar General.

XXXIII. The provisions of the last two preceding Sections shall apply *mutatis mutandis* to all cases in which a party executing an Instrument shall require assistance to procure the attendance of a person whose testimony is necessary for the registration of such Instrument by a District Registrar or by a Registrar General.

Provisions of Acts in force relating to attendance of witnesses to apply to persons summoned under this Act.

XXXIV. The provisions of the Acts in force for the time being for procuring the attendance of witnesses, for the examination, remuneration, and punishment of witnesses in suits before Civil Courts, shall be of equal force and effect in respect of any person summoned to appear as a witness under the foregoing provisions of this Act.

Erasures or interlineations.

XXXV. No Instrument shall be accepted for registration if any interlineation, erasure, or alteration shall appear on such Instrument, unless the parties appearing to register the same shall attest with their signatures such interlineation, erasure, or alteration; and it shall be the duty of the Officer registering such Instrument, at the time of registering it, to make a note in the Register of such interlineation, erasure, or alteration.

Endorsement on Instrument admitted to registration.

XXXVI. On every Instrument admitted to registration there shall be endorsed the following particulars,—that is to say—

1. The date and hour of presentment.

2. The names in full of the parties executing the Instrument: and if it shall have been presented by the heir, representative, or assign, or by the agent of any party, the name of such heir, representative, assign, or agent.

3. The name and address in full of every person whose evidence may have been taken under any of the provisions of this Act.

4. Any payment of money or delivery of goods made in the presence of the District Registrar or Deputy Registrar.

Endorsement to be signed by parties executing, and to be sealed with seal of Registrar.

XXXVII. The endorsement shall be signed by every party executing the Instrument, or by his heir, representative, or assign, or by his agent, and shall be certified by the seal and signature of the District Registrar or Deputy Registrar. The Instrument thus endorsed shall be *primâ facie* proof on the production thereof in any Court that such Instrument has been duly registered in the manner provided in this Act. Provided that it shall be competent to the Court to require further evidence of such registration if it shall see sufficient cause for doing so.

Registered Instrument to be copied in Register Book.

XXXVIII. Every Instrument admitted to registration and endorsed as hereinbefore provided, shall be copied in its appropriate book according to the order of its presentation, and shall be numbered accordingly.

Procedure after entry in Register.

XXXIX. After the provisions of Sections XXXVI, XXXVII, and XXXVIII shall have been complied with, the Instrument shall be returned to the party who shall have presented the same for registration, with a further endorsement inscribed thereon and certified as above, containing the number and page of the book in which the copy and the registration of the Instrument shall have been made.

Abstract of Instruments registered in Deputy Register Office to be sent to District Registrar and General Register Office.

XL. An abstract of every original Instrument affecting immoveable property registered in the Office of any Deputy Registrar shall, with an endorsement attesting the date on which

it was registered and its number in the Register Book of such Deputy Registrar, within seven days be forwarded in duplicate to the District Registrar, who shall forthwith forward one of such duplicates to the General Register Office.

Abstract of Instruments registered in District Registrar's Office to be sent to Registrar General.

XLI. An abstract of every original Instrument affecting immoveable property registered in the Office of any District Registrar, shall with an endorsement attesting the date on which it was registered and its number in the Register Book of such District Registrar, within seven days be forwarded to the General Register Office.

Entry in General Register Office of abstract of entry made in any Register.

XLII. On the receipt in the General Register Office of the abstract of any entry made in any Register, the same shall be entered in the Book No. 1, 2, 3, or 4, described in Section LVI of this Act, as the case may be.

DECREES AFFECTING REGISTERED INSTRUMENTS.

Procedure in case of registered Instruments being declared by a Civil Court to be invalid or forged.

XLIII. When any Civil Court shall by a decree or order declare any relating to immoveable property which shall have been registered under this Act to be invalid, or when any Civil Court shall pass a decree or order affecting the validity or otherwise of any such Instrument and such last mentioned decree or order shall create, declare, transfer, limit, or extinguish any right, title, or interest under such Instrument, in the immoveable property to which it relates, such Court shall cause a memorandum of the decree or order to be sent to the Office in which such Instrument shall have been originally registered.

How Memorandum to be dealt with.

XLIV. Whenever any memorandum is received under the last preceding Section, a transcript thereof shall immediately be made in the margin of the part of the book in which there is any register of the Instrument affected by such memorandum: and the District Registrar or Deputy Registrar shall forthwith transmit a copy of such memorandum to the Registrar General, and to every District Registrar and every Deputy Registrar in whose Office the said Instrument or any abstract thereof is registered.

Procedure in case of decrees being passed in any Civil Court affecting immoveable property.

XLV. When any Civil Court shall by a decree or order create, declare, transfer, limit, or extinguish any right, title, or interest of any person in any immoveable property situate in any part of British India in which this Act is for the time being in force, such Court shall cause a memorandum of the said decree or order to be sent to every District Registrar and every Deputy Registrar within the local limits of whose jurisdiction such immoveable property or any part thereof is situate. Every such memorandum received by a District Registrar or Deputy Registrar shall be entered by him in a book to be kept for the registration of decrees and orders: and a copy of such memorandum shall be sent to the Registrar General.

REGISTRATION OF WILLS, CODICILS, AND AUTHORITIES TO ADOPT.

Wills, &c.

XLVI. Any person wishing to register his Will, a Codicil to his Will, or any Instrument giving authority to adopt a son after his decease, shall either personally or by a duly authorized agent deliver such Will or Codicil, or Instrument, in a sealed cover superscribed with the name of the depositor and the nature of the Instrument, to a District Registrar who shall, if the Will, Codicil, or Instrument be presented in person, satisfy himself of the identity of the person presenting it, or if the Will, Codicil, or Instrument be presented by an agent, shall satisfy himself of the authority of such agent as provided in Section XXVIII.

Entry in Register of Wills.

XLVII. If satisfied as above, the District Registrar shall enter the receipt of every sealed cover delivered to him under the last preceding Section in the Register of Deposits of Wills, Codicils, and Instruments giving authority to adopt, transcribing therein the superscription on such sealed cover, and noting in the Register and on the sealed cover the year, month, day, and hour of such receipt, together with the name of the depositor and the name of each of the persons testifying to the identity of such depositor, and the inscription so far as it is legible on the seal of the depositor. The District Registrar shall then place the sealed cover in a fire-proof box to be supplied by Government for that purpose.

Withdrawal of Instruments deposited.

XLVIII. If the depositor of any such sealed cover shall wish to withdraw the same, it shall be lawful for him to apply by petition to the principal Court of original civil jurisdiction having jurisdiction where the sealed cover was deposited, for an order that the same be given up to him. If the Court shall be satisfied as to the identity with the depositor of the person applying for such an order, it may if it shall see fit make such an order as applied for, and the District Registrar in whose Office the sealed cover was deposited shall deliver up the same in obedience to the order.

ct, on death of depositor.

XLIX. If on the death of the depositor of a sealed cover under Section XLVI, application be made to the District Registrar in whose Office the said sealed cover was deposited to open the same, the District Registrar, after satisfying himself that the depositor is dead, shall in the presence of the person making such application open the sealed cover, and shall enter a copy of the contents thereof, to be made at the expense of the applicant, in a Register of Wills, Codicils, and Instruments giving authority to adopt a son. When such copy shall have been entered, the District Registrar shall re-deposit the original Will, Codicil, or Instrument, until required to produce the same in a Court of Justice.

Copies of Wills re-de-

L. The District Registrar shall furnish to any applicant who shall pay to him the fees payable under this Act in respect thereof, a copy authenticated by his signature of any Will re-deposited under the last preceding Section. And any copy certified by the District Registrar to be a true copy, shall be evidence of the contents of the Will, Codicil, or Instrument giving authority to adopt, of which it purports to be such copy.

SPECIAL REGISTRATION OF OBLIGATIONS FOR PAYMENT OF MONEY.

Record of ag of parties to bond or other obligation, as to its being enforced without regular suit.

LI. Whenever the parties to a bond or other written obligation for the payment of money, shall at the time of registering the same under the provisions of this Act apply to the District Registrar or Deputy Registrar to record their agreement, that in the event of the bond or other written obligation as aforesaid not being satisfied within the time stipulated the amount may be recovered as hereinafter provided without a suit, it shall be the duty of the District Registrar or Deputy Registrar, after making such enquiries as he may think proper, to record such agreement at the foot of the endorsement required by Section XXXVI, and such record shall be signed by the District Registrar or Deputy Registrar and by the parties to the bond or other written obligation as aforesaid.

Bonds registered with such agreement may be enforced without regular suit.

LII. A bond or other obligation for the payment of money registered with such agreement as in the last preceding Section mentioned, may be enforced without a suit by any Court which would have had jurisdiction to try a suit on such bond or other obligation for the recovery of the amount, provided that the application for the enforcement of the same be made within the period of one year from the date on which the amount became payable. The bond or other obligation as aforesaid shall be enforced as a decree in a suit under the rules applicable to the execution of decrees in the Court in which the application for enforcement is made, but subject to any provisions contained in any law for the time being in force in relation to the enforcement without a suit of bonds or other obligations for the payment of money registered with such agreement as aforesaid. The application for the enforcement of a bond or other obligation for the payment of money under this Section, shall be written on a stamp paper of one-fourth the value prescribed for a petition of plaint, in a suit to recover the same amount under the provisions of Article 11, Schedule B, Act X of 1862 *to consolidate and amend the Law relating to Stamp Duties*, or any other law for the time being in force for regulating Stamp Duties.

REGISTRATION FEES.

Local Government to prescribe, subject to approval, the fees to be charged for registration.

LIII. Subject to the approval of the Governor-General of India in Council, the local Government shall prepare a table of fees payable for the registration of Instruments, for searching the Registers, and for making or granting copies of entries, abstracts, or Instruments, either on registration or search. Subject to the like approval, the local Government shall also prepare a table of special additional fees payable for every registration by a Registrar General under Section XXVI, and for such other matters as shall to the local Government appear necessary. The local Government may from time to time, subject to the like approval, alter such table. A table of the fees so payable shall be published in the Official Gazette, and shall be exposed to public view in every Office established for the registration of Instruments, and no Instrument shall be accepted for registration, and no copy shall be granted, and no search shall be made or allowed until the fee duly prescribed in that behalf shall have been paid.

Disposal of Fees.

LIV. All fees received under the provisions of this Act (not being fees payable under Section XI of this Act to Officers who are paid wholly or in part by fees), shall be remitted to such Treasury as the local Government shall direct, and be credited to Government.

REGISTERS.

Registry Books.

LV. The local Government shall provide for the Office of every Registrar General, District Registrar, and Deputy Registrar, such books as may be necessary for the purposes of this Act. The books so provided shall contain such printed forms as shall from time to time be prescribed by the Registrar General with the sanction of the local Government for the entries to be made therein and for the indexes to such books, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title page by the Officer by whom such books shall be supplied. The local Government shall further supply the Office of every District Registrar with a fire-proof box.

Fire-proof boxes.

LVI. In every General Register Office, and in the Office of every District Registrar and Deputy Registrar, four books shall be kept, which shall be entitled—

1. Register of absolute transfers of immoveable property.

2. Register of other transfers of immoveable property.

3. Register of decrees and orders of Court and of awards of arbitrations.

4. General Register of all other Instruments for the registration of which provision is made in this Act, and the entry of which is not required to be made in any other Register.

Entries in Registers.

LVII. All entries made in such books shall be numbered in a consecutive numerical series which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year. Whenever any Instrument for the registration of which application may be made, refers to immoveable and also to moveable property, it shall be entered in Book No. 4 and also in Book No. 1, 2, or 3, as the case may be.

Indexes.

LVIII. Two Indexes shall be prepared for each Register, one containing the name of every party to every instrument registered, and the other in the case of immoveable property containing the name of the village or place where the property is situate together with a description of the property and its name and such other particulars and in such form as the Registrar General shall from time to time prescribe under Section LXIV.

Register of Wills.

LIX. Every District Registrar shall, in addition to the books prescribed in Section LVI of this Act, keep two books, to be entitled—

Register of deposits of Wills, and Codicils to Wills, and Instruments giving authority to adopt a son, as provided in Section XLVII.

Register of Wills, Codicils, and Instruments giving authority to adopt a son, as provided in Section XLIX.

LX. Subject to the previous payment of such fees as may be payable in that behalf, the Registers in the General Register Offices and in the Offices of all District Registrars and Deputy Registrars shall be at all times open to inspection by any person applying to inspect the same, and certified copies of any entry in such Registers shall be given to all persons applying for such copies. Provided that the only Registers to be inspected shall be the Registers Nos. 1, 2, and 3, specified in Section LVI, and the Register specified in Section XLIX.

GENERAL RULES.

Control of proceedings of Deputy Registrars.

LXI. Every Deputy Registrar shall perform the duties of his office under the superintendence and control of the District Registrar in whose District the Office of such Deputy Registrar shall be situate; and the District Registrars shall have authority to issue (whether on complaint or otherwise) any orders they may consider necessary in respect of any proceeding or omission of any Deputy Registrar subordinate to them.

Revision of orders of Deputy Registrars refusing registration.

LXII. Every District Registrar may revise or alter any order of any Deputy Registrar subordinate to him refusing to admit a document to registration, if an appeal against such order be presented to the District Registrar within thirty days from the date of the order, but not otherwise.

No appeal from order admitting to registration.

LXIII. No appeal shall lie to the District Registrar from an order of a Deputy Registrar admitting an Instrument to registration.

General control by Registrar General.

Power to frame Rules.

LXIV. The Registrar General shall exercise a general superintendence over all the Register Offices within the local limits of his jurisdiction, and shall have power from time to time to frame rules not inconsistent with the terms of this Act for the guidance of the District Registrars and Deputy Registrars subordinate to him, for regulating the proceedings of these Officers and for providing for the safe custody of books, papers, and Instruments, and also for the destruction of such books, papers, and Instruments as it may be deemed to be no longer necessary to keep. The rules so framed shall be submitted to the local Government for approval, and after they shall have been approved, they shall be published in the Official Gazette, and shall have the same force as if they were inserted in this Act.

Registration to be made at a Public Office.

Proviso.

LXV. The registration of all Instruments under this Act shall be made only at the Public Office of the Officer whose duty it shall be to register the same: but any District Registrar or Deputy Registrar may on special cause being shown attend at the place of residence of any party intending to execute any Instrument, or of any person desiring to deposit a Will, Codicil, or authority to adopt a son. Every Deputy Registrar so attending shall within twenty-four hours report to the District Registrar to whom he is subordinate the fact of his having attended and his reason for so doing.

Reasons for refusal to register to be recorded.

LXVI. Every District Registrar or Deputy Registrar who shall refuse to register an Instrument and every District Registrar who shall refuse to order an Instrument to be registered shall record his reasons for so refusing, and on application made by any party to the Instrument and on his furnishing a stamped paper of the value of eight annas, shall give him a copy of the reasons so recorded.

LXVII. A registered Instrument shall operate from the time from which it would have commenced to operate if no registration had been required or made, and not from the time of its registration.

Priority of registered Instruments.

LXVIII. Every Instrument of the descriptions mentioned in Clauses 1 and 2 of Section XVI shall, if duly registered, have priority to any other Instrument relating to the same property, whether such other Instrument be of the same nature as the registered Instrument or not.

Registry of Instruments executed by, or on behalf of, Government.

LXIX. It shall not be necessary for any Officer of Government to appear in person for the purpose of registering any Instrument, but when any Instrument is executed by or on behalf of Government, or by any Court, Board, Commission, or Public Office on behalf of Government, the District Registrar or Deputy Registrar to whom such Instrument is presented for registration, may if he deem it necessary refer to the Head Officer of the Court, Board, Commission, or Office on whose behalf such Instrument was executed, for information respecting the same, and on being satisfied of the execution thereof, shall register the Instrument.

False statements to be dealt with as the offence of giving false evidence.

LXX. If any person shall wilfully make any false statement in any deposition or declaration made by him before any Officer acting in execution of this Act, in any proceeding or enquiry under the provisions of this Act, he shall be deemed guilty of the offence of giving false evidence as defined in Section 191 of the Indian Penal Code.

Commencement of Act.

LXXI. This Act shall come into operation on the first day of January 1865 in the Presidencies of Bengal, Madras, and Bombay. This Act shall not come into operation in any other part of British India until it shall be extended thereto by an order of the Governor-General of India in Council, or by an order of the local Government, to be notified in the Official Gazette.

SCHEDULE.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Reg. XXXVI. 1793	Bengal Code	For establishing a registry for Wills and Deeds for the transfer or mortgage of real property.	The whole Regulation.
„ XXVIII. 1795	Bengal Code	For extending to the Province of Benares, Regulation XXXVI. 1793, entitled "A Regulation for establishing a registry for Wills and Deeds for the transfer or mortgage of real property."	The whole Regulation.
„ XVII. 1803 -	Bengal Code	For establishing a registry for Wills and Deeds for the transfer or mortgage of real property in the Provinces ceded by the Nawaub Vizier to the Hon'ble the English East India Company.	The whole Regulation.
„ VIII. 1805 -	Bengal Code	For extending to the conquered Provinces situated within the Doab and on the right bank of the River Jumna, and to the Territory ceded to the Hon'ble the English East India Company in Bundlecund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawaub Vizier to the Hon'ble the English East India Company, as have not been already extended to those Territories, and for revising and amending certain parts of the said Laws and Regulations.	Section XVII so far as it relates to Regulation XVII. 1803.
„ XII. 1805 -	Bengal Code	For the settlement and collection of the Public Revenue in the Zillah of Cuttack, including the Pergunnahs of Puttespore, Kummardichour, and Bograe, at present included in the Zillah of Midnapore.	Section XXXII.
„ XX. 1812 -	Bengal Code	For modifying some of the provisions contained in the existing Regulations respecting the registry of Deeds, and for establishing a Register of engagements for the delivery of Indigo.	The whole Regulation.
„ IV. 1824 -	Bengal Code	To provide more effectually for the Office of Register of Deeds.	The whole Regulation.
„ VII. 1832 -	Bengal Code	For modifying certain of the provisions of Regulation V. 1831 and for providing Supplementary Rules to that enactment.	Section IV.
„ XVII. 1802 -	Madras Code	For establishing a registry for Wills and Deeds for the transfer or mortgage of real property.	The whole Regulation.
„ XI. 1831 -	Madras Code	To provide more effectually for the Office of Register of Deeds.	The whole Regulation.
„ IX. 1827 -	Bombay Code	For establishing a Register of Title Deeds, and a general Register of Deeds, obligations, and other writings, in each Zillah subordinate to the Presidency of Bombay.	The whole Regulation.
„ XIII. 1828 -	Bombay Code	For enabling Assistant Judges, when expedient, to keep the Registers prescribed by Regulation II of 1827, when stationed in the Districts.	The whole Regulation.

SCHEDULE A,—*continued.*

Number and date of Acts.	Title.	Extent of Repeal.
Act XXX. 1838 ...	... ...	The whole Act.
„ I. 1843 ...	For amending the Law concerning the registration of written Conveyances and other Instruments affecting titles and other interests to land.	The whole Act.
„ XIX. 1843 ...	For amending the Law respecting the registration of certain Deeds.	The whole Act.
„ IV. 1845 ...	To amend the Law regarding the registration of Deeds.	The whole Act.
„ XVIII. 1847 ...	For curing the invalidity in the registration of Deeds arising from the fact of having been registered by persons not duly appointed or on other than Court days.	The whole Act.
„ XI. 1851 ...	For the custody of Registers of Deeds in the Presidency of Bengal.	The whole Act.
„ XXIX. 1856 ...	Concerning the taking of Oaths of Office by Registers of Deeds.	The whole Act.
„ III. 1859 ...	For conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds.	Sections 9 and 10.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India,

Home Dept.

The folowing Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

ACT NO. XVII OF 1864.

An Act to constitute an Office of Official Trustee.

Preamble.

Whereas it is expedient to amend the law relating to Official Trustees, and to constitute an Office of Official Trustee ; It is enacted as follows :—

Interpretation.

1. The following words and expressions in this Act shall have the meanings hereby assigned to them unless there be something in the context repugnant to such construction, that is to say :—

"High Court."

The expression "High Court" shall mean Her Majesty's High Courts of Judicature at Fort William in Bengal, Fort St. George, and Bombay respectively in the exercise of their original civil jurisdiction.

"Chief Justice."

The expression "Chief Justice" shall mean the Chief Justice or Acting Chief Justice for the time being of any of the said High Courts.

"Person."

The word "person" shall include a corporation.

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Gender.

Words importing the masculine gender shall include females.

Act XVII of 1843 repealed.

II. Act XVII of 1843 (*for the appointment of Official Trustees in certain cases*) is hereby repealed except as to any proceedings pending or any Trusts now vested in an Official Trustee under it, and except in so far as that Act is made applicable to the Settlement of Prince of Wales' Island, Singapore, and Malacca, by Act XIV of 1852 (*for extending the provisions of Acts XVII of* 1841 *and XVII of* 1843 *to the Straits Settlement*).

Official Trustees to hold as if appointed under this Act, except as to remuneration.

III. Every Official Trustee appointed under the said Act XVII of 1843 shall, save as regards the remuneration to be received by him, hold and execute the Trusts of which he is Trustee in all respects as if he were an Official Trustee appointed under this Act.

An Official Trustee to be appointed in each Presidency.

IV. In each of the Presidencies of Fort William in Bengal, Fort St. George, and Bombay, there shall be an Official Trustee. The said Official Trustees

shall be called the Official Trustee of Bengal, the Official Trustee of Madras, and the Official Trustee of Bombay respectively.

Appointment, suspension, and removal of such Trustee.

V. Every Official Trustee appointed under this Act shall be appointed and may be suspended or removed from his Office by the authorities hereinafter named, that is to say—

The Official Trustee of Bengal by the Chief Justice of Her Majesty's High Court of Judicature at Fort William in Bengal.

The Official Trustee of Madras by the Chief Justice of Her Majesty's High Court of Judicature at Fort St. George.

The Official Trustee of Bombay by the Chief Justice of Her Majesty's High Court of Judicature at Bombay.

Administrator General may be appointed Official Trustee.

VI. The Administrator General or Officiating Administrator General for the time being of any of the said Presidencies shall be eligible for the Office of Official Trustee of that Presidency. Every Official Trustee appointed under this Act shall give security for the due execution of the duties of his Office in such manner and to such amount as the Chief Justice by whom he is appointed shall direct.

Security to be given by Official Trustee.

Provision for leave of absence to be granted to Official Trustee, and for appointment of a person to officiate.

VII. It shall be lawful for the Chief Justice of the High Court at any of the Presidencies, from time to time, to grant leave of absence to the Official Trustee of that Presidency, but subject always to such and the like rules as may be for the time being in force as to leave of absence of the Officers attached to such High Court. Whenever any Official Trustee shall obtain leave of absence, it shall be lawful for the Chief Justice to appoint some person to officiate as Official Trustee, and such person while so officiating shall be subject to the same conditions and be bound by the same responsibilities as the Official Trustee, and he shall be deemed to be the Official Trustee for the time being under this Act, and shall be liable to give security for the due execution of the duties of his Office in like manner as if he had been appointed Official Trustee.

Official Trustee may, with his consent, be appointed by any person Trustee of a settlement made by him.

VIII. If any person shall be about to grant, assign, or settle any property, moveable or immoveable, of what nature or kind so ever, upon or subject to any Trust, whether for a charitable purpose or otherwise, it shall be lawful for such person, with the consent of the Official Trustee, to appoint him, by the deed creating the Trust, to be the Trustee of such settlement; and upon such appointment the property so granted, assigned, or settled shall vest in such Officer and his successors in Office, and shall be held by him and them upon the Trust declared and contained in the said deed. Provided always that the consent of the Official Trustee shall be recited in the said deed, and that the deed shall be duly executed by the Official Trustee: Provided also that no Trust for any religious purpose shall ever be held by the Official Trustee, under this or under any other Section of this Act.

Official Trustee appointed under last preceding Section, to receive the remuneration specified in the deed.

IX. Every Official Trustee appointed Trustee of any property under the last preceding Section, shall be entitled to receive by way of remuneration in that behalf such sum or sums only as he shall by the deed of settlement be declared to be entitled to receive.

Under what other circumstances Official Trustee may be appointed Trustee of any property.

X. If any property is subject to a Trust, whether for a charitable purpose or otherwise, and there shall be no Trustee willing to act or capable of acting in the Trusts thereof, who is within the local limits of the ordinary or extraordinary original civil jurisdiction of the High Court, or if property is subject to a Trust, and all the Trustees, or the surviving or continuing Trustee and all the persons beneficially interested in the said Trust, shall be desirous that the Official Trustee shall be appointed in the room of such Trustees or Trustee, then and in any such case it shall be lawful for the High Court on petition, and with the consent of the Official Trustee, to appoint the Official Trustee to be the Trustee of such property: and upon such appointment such property shall vest in the Official Trustee and his successors in Office, and shall be held by him and them upon the same Trusts as the same were held previous to such appointment.

Rate of commission under last preceding Section.

XI. The Official Trustee shall be entitled by way of remuneration, in respect of all Trust property transferred to him under the last preceding Section, to a commission the rate of which shall be as follows, that is to say,—

On all capital monies received by him, a commission of one half per cent. on receiving the same.

On all capital monies invested by him, a commission of one half per cent. on investing the same.

On all sums received by him by way of interest or dividends in respect of monies invested, a commission of three-quarters per cent.

On all rents collected by him, a commission of two and a half per cent.

What expenses, &c., commission is to cover.

XII. The Official Trustee shall defray all the expenses of the establishment necessary for his Office, including the provision of Office accommodation together with all other charges to which the said Office shall be subject, except those for which express provision is made by this Act, and except those costs of litigation and the like which a Trustee would, under ordinary circumstances, be entitled to pay for out of the Trust monies in his hand. The commission to which the Official Trustee shall be entitled, is intended to cover all the expenses and risk and responsibility of management, collection, and distribution.

In all cases, Official Trustee to be sole Trustee.

XIII. It shall in no case be lawful to appoint the Official Trustee to be a Trustee along with any other person: but the Official Trustee shall always be sole Trustee.

Official Trustee to invest trust money in Government securities, &c.

XIV. The Official Trustee shall cause all capital monies received by him to be invested in Government securities, or otherwise as the Court shall direct:

and if in any case the Trust funds or any part of them shall at the time of their vesting in the Official Trustee be invested otherwise than as provided in the deed or Will creating the Trust or than as ordered by the Court, it shall be the duty of the Official Trustee, as soon as he reasonably can, to realise the funds so improperly invested, and to invest the same in Government securities or otherwise as the Court shall direct.

High Court may pass orders regarding Trust property.

XV. The High Court may make any such orders as shall seem to it necessary respecting any Trust property vested in the Official Trustee, or the interest or produce thereof. All such orders shall be made on petition, unless the Court shall direct a suit to be instituted.

Unless otherwise provided in deed, Trust property may be re-transferred to original or other Trustees.

XVI. Nothing in this Act shall prevent the re-transfer of any Trust property which may have become vested in the Official Trustee, to the original or any subsequently appointed Trustee, or to such person as the Court shall direct, unless otherwise provided by the deed or Will creating the Trust.

Appointment of Official Trustee to be by name of Office. Authority granted by such appointment.

XVII. All orders which shall be made appointing any Official Trustee to act as Trustee in virtue of his Office, shall appoint him by his name of Office and shall authorize the Official Trustee for the time being of the same Presidency to act as Official Trustee of the property to which such order shall relate: and all property and interests which at the time of the death, resignation, or removal from Office of any Official Trustee shall be vested in him by virtue of such order, shall upon such death, resignation, or removal cease to be vested in him, and shall vest in his successor in Office immediately upon his appointment thereto, and all books, papers, and documents kept by such Official Trustee by virtue of his Office shall be transferred to and vested in his successor in Office.

On death, &c., of Official Trustee, property to vest in successor, and Office books to be transferred.

Official Trustee to sue or be sued in his official character by his name of Office. Suit not to abate by death, &c.

XVIII. All actions, suits, or other proceedings which shall be commenced by or against any Official Trustee in his official character, may be brought by or against him by his name of Office, and no suit, action, or other proceeding already commenced or which shall be commenced by or against any person as Official Trustee either alone or jointly with any other person, shall abate by reason of the death, resignation, or removal from office of any such Official Trustee, but the same may by order of the Court and upon such terms as to the service of notices or otherwise as the Court may direct, be continued against his successor immediately upon his appointment, in the same manner as if no such death, resignation, or removal had occurred. Provided that nothing herein contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the action or suit against him, or shall release an Official Trustee who has resigned or been removed from his Office, or the heirs, executors, administrators, or representatives of a deceased Official Trustee from being liable for any such costs.

Official Trustee to keep a separate account of each Trust, to be open to the inspection of the Chief Justice and any person authorized by him.

XIX. Every Official Trustee appointed under this Act shall enter into books, to be kept by him for that purpose, separate and distinct accounts of each Trust of which he is the Trustee, and of all such sums of money and securities for money, goods, and things, as shall come to his hands, or to the hands of any person employed by him, or in trust for him, under this Act, and likewise of all payments made by him on account of such Trust, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively, which said books shall be kept in the Official Trustee's Office, and shall be at all times open for the inspection of the Chief Justice and of any person authorized by him to demand inspection thereof.

Chief Justice may make and alter rules and orders for custody of Trust Funds, &c.

XX. The Chief Justice shall have power, from time to time, to make and alter any general rules and orders consistently with the provisions of this Act, for the safe custody of the Trust Funds and securities which shall come to the hands or possession of the Official Trustee and for the remittance to Europe or elsewhere of all sums of money which shall be payable or belong to persons resident in Europe or elsewhere, or in other cases where such remittances shall be required, and generally for the guidance and government of the Official Trustee in the discharge of his duties; and may by such rules and orders, amongst other things, direct what books, accounts, and statements in addition to those mentioned in this Act, shall be kept by the Official Trustee, and in what form the same shall be kept, and what entries the same shall contain, and where the same shall be kept, and where and how the funds and securities and other the property belonging to the Trust of which the Official Trustee is the Trustee shall be kept or invested or deposited, and how any remittances thereof shall be made.

Publication of orders, &c.

XXI. Such orders shall be published in the Official Gazette, and it shall be the duty of the several Official Trustees to obey and fulfil the same, and the same shall be a full authority and indemnity for all persons acting in pursuance thereof.

Official Trustee to furnish Annual Schedules which shall be filed in the Court, and may, by order of the Chief Justice, be inspected by any person so authorized.

XXII. The Official Trustee of each of the said Presidencies shall once in every year, that is to say, on the first day of March, or on such other day as the Chief Justice shall direct, deliver to the Chief Justice a true Schedule showing the gross amount of all sums of money received or paid by him on account of each Trust of which he is the Trustee, and the balances during the year ending on the thirty-first day of December next before the day of delivering such Schedule, and a true list of all securities received on account of each of the said Trusts during the same period; and also a true Schedule of all Trusts which shall have come to an end or of which the Official Trustee shall have ceased to be the Trustee and the property subject to which shall have been paid or made over to the persons entitled to the same or to new Trustees during the same

period, specifying the nature and amount or value of such property and the persons to whom paid or made over. The Chief Justice shall cause the said Schedules to be filed as record in the High Court; but it shall not be lawful for any person to inspect the same or to make copies thereof or of any part thereof, except on an order granted by the Chief Justice permitting him so to do.

Chief Justice to appoint Auditors.

XXIII. The Chief Justice shall from time to time appoint an Auditor or Auditors to examine the accounts of the Official Trustee at the time of the delivery of the said Schedules and also at any other time when the Chief Justice shall think fit.

Auditors to examine Schedule and report to Chief Justice.

XXIV. The Auditor or Auditors shall examine the Schedules and accounts, and report to the Chief Justice whether they contain a full and true account of every thing which ought to be inserted therein, and whether the books which by this Act are, or which by any such general rules and orders as aforesaid shall be directed to be kept by the Official Trustee, have been duly and regularly kept, and whether the Trust Funds and securities have been duly kept and invested and deposited in the manner prescribed by this Act or which shall be prescribed by any such rules and orders to be made as aforesaid.

Auditors to have power to summon witnesses and to call for books, &c.

XXV. Every Auditor shall have power to summon as well the Official Trustee as any other person or persons whose presence he may think necessary, to attend him from time to time; and to examine the Official Trustee or other party or parties, if he shall think fit, on oath or solemn affirmation, to be by him administered; and to call for all books, papers, vouchers, and documents, which shall appear to him to be necessary for the purposes of the said reference; and if the Official Trustee or other person or persons when summoned shall refuse, or, without reasonable cause, neglect to attend or to produce any book, paper, voucher, or document required, or shall attend and refuse to be sworn or make a solemn affirmation, when by law an affirmation may be substituted for an oath, or shall refuse to be examined, the Auditor or Auditors shall certify such neglect or refusal in writing to the High Court; and every person so refusing or neglecting shall thereupon be punishable, in like manner as if such refusal or neglect had been in contempt of the said High Court.

Penalty for non-attendance.

Costs of preparing Schedule, &c., how to be paid.

XXVI. The costs and expenses of preparing the said Schedules and accounts and of every such reference and examination as aforesaid, shall be defrayed by all the Trust estates to which such Schedules or accounts shall relate, which costs and expenses, and the portion thereof to be contributed by each of the said Trust estates, shall be ascertained and settled by the Auditor or Auditors, subject to the approval of the Chief Justice, and shall be paid out of the said estates accordingly by the Official Trustee.

Auditors to report specially to Chief Justice if accounts appear not correct.

XXVII. If upon any such reference and examination the Auditor or Auditors shall see reason to believe that the said Schedules do not contain a true and correct account of the matters therein contained, or which ought to be therein contained, or that the Trust Funds and securities have not been duly kept and invested or deposited in the manner directed by this Act, or which shall be directed by any such rules and orders as aforesaid, or that the Official Trustee has failed to comply with the provisions and directions of this Act, or of any such rules and orders, he or they shall report accordingly to the Chief Justice.

Proceedings upon such report.

XXVIII. The Chief Justice may refer every such report as last aforesaid to the consideration of the Advocate General for the Presidency, who shall thereupon, if he shall think fit, proceed summarily against the defaulter or his personal representative in the High Court by petition for an account, or to compel obedience to this Act or to such rules and orders as aforesaid, or otherwise as he may think fit, in respect of all or any of the Trust estates then or formerly under the charge of such defaulter; and the Court shall have power, upon any such petition, to compel the attendance in Court of the defendant or defendants, and any witnesses who may be thought necessary, and to examine them orally or otherwise as the said Court shall think fit, and to make and enforce such order or orders as the Court shall think just.

Costs of reference, &c., how to be defrayed.

XXIX. The costs, including those of the Advocate General, and of the reference to him, if the same shall be directed by the Court to be paid, shall be defrayed either by the defendant or defendants, or out of the Trust estates rateably as the said Court shall direct; and whenever any costs shall be recovered from the defendant or defendants, the same shall be repaid to the estates by which the same shall have been in the first instance contributed, and the Court shall have power to order the Official Trustee or other person or persons, defendants, to receive his or her costs out of the said estates, if it shall think fit.

Orders of the Court to have same effect and to be executed in the same manner as decrees.

XXX. Any orders which shall be made by any of the said High Courts shall have the same effect and be executed in the same manner as decrees.

Who may apply.

XXXI. Any order under this Act may be made on the application of any person beneficially interested in any Trust property, or of any Trustee thereof, whether under disability or not.

Executor or Administrator may, by leave of the Court, pay to Official Trustee, legacy, &c., to which an infant or lunatic is entitled.

XXXII. If any infant or lunatic shall be entitled to any gift or legacy or residue or share thereof, it shall be lawful for the Executor or Administrator by whom such legacy, residue, or share may be payable or transferable, or the party by whom such gift may be made or any Trustee of such gift, legacy, residue, or share, to pay or transfer the same to the Official Trustee appointed under this

Act: provided that the leave of the High Court to make such payment or transfer shall be first obtained by motion made on petition. Any money or property paid or transferred to the Official Trustee or vested in him under this Section shall be subject to the same provisions as are contained in this Act as to other property vested in such Official Trustee under the provisions thereof.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India, Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

ACT No. XVIII. OF 1864.

An Act to provide for the appointment of a Municipal Committee for the City of Lucknow.

Preamble.

Whereas it is expedient to make provision for the appointment of a Municipal Committee for the City of Lucknow, and for levying duties on certain articles brought within the limits of the said City for consumption there, and generally for the regulation of all matters relating to the conservancy and improvement of the said City; It is enacted as follows :—

Appointment of Municipal Committee.

I. On and after such date as the Chief Commissioner of Oudh shall order, there shall be a Committee for the purposes of this Act, which shall be called "The Municipal Committee of the City of Lucknow." The said Committee shall consist of twenty-five Members, of whom six shall be *ex-officio* Members.

Ex-officio Members of the Committee.

II. The persons for the time being filling the following offices shall respectively be *ex-officio* Members of the Municipal Committee. That is to say, the persons filling the offices of—

Commissioner of Lucknow,
Deputy Commissioner of Lucknow,
Inspector General of Police in Oudh,
Civil Surgeon of Lucknow,
Executive Engineer of Lucknow,
City Magistrate of Lucknow.

Non-official Members.

The Non-official Members of the said Committee shall be elected annually by and from amongst the inhabitants of the City, and shall hold office for one year only, but shall be eligible for re-election.

Chief Commissioner to define limits of Lucknow, and to regulate mode of election of Members of Committee.

III. The Chief Commissioner of Oudh shall from time to time declare what shall be deemed to be the limits of the City of Lucknow for the purposes of this Act. He shall also declare who are, for the purposes of the last preceding Section, to be deemed inhabitants of the said City, and shall lay down rules fixing the times when the election of the Non-official Members of the Committee shall take place, and regulating the manner in which the elections shall be conducted. The appointment of every Non-official Member shall be subject to the approval of the Chief Commissioner, and in the event of any person elected not being approved of by him, the inhabitants shall proceed forthwith to elect another person in his stead.

Chief Commissioner may remove Non-official Members.

IV. It shall be lawful for the Chief Commissioner to remove from office any Non-official Member of the Committee; and in the event of any such Member being so removed, it shall be in the discretion of the Chief Commissioner to determine whether or not any person shall be elected to supply his place for the unexpired portion of the year for which such Member was elected.

Chief Commissioner may suspend the powers of Committee.

V. It shall be lawful for the Chief Commissioner at any time with the sanction of the Governor-General of India in Council to suspend or limit the powers of any of the powers of the Committee.

President, Vice-President, and Secretary.

VI. The Commissioner of Lucknow for the time being shall be the President of the Committee; the Deputy Commissioner of Lucknow shall be the Vice-President, and the City Magistrate of Lucknow shall be the Secretary.

Committee to repair, light, and construct streets, drains, &c.

VII. The Municipal Committee, so far as the funds at their disposal will permit, shall keep the streets, drains, and tanks of the City properly cleansed and repaired, and shall cause the said streets or such of them as may to them seem proper, to be lighted, and may construct new streets, drains, and tanks, and generally may do all acts and things necessary to the conservancy and improvement of the City so far as such acts and things be not repugnant to or inconsistent with the provisions of this or any other Law.

Committee may enter into contracts.

VIII. It shall be lawful for the Municipal Committee from time to time to enter into all necessary contracts for the purposes of this Act. Such contracts, if in writing, shall be signed by the Secretary and at least three Members of the Committee, and if any such contract be not reduced to writing, it shall be made with the Secretary. No contract made otherwise than as herein declared shall be in any way binding on the Committee, and no contract involving an expenditure of more than ten thousand rupees shall be binding on the Committee unless made in writing and with the sanction of the Chief Commissioner of Oudh.

Members of Committee not to be personally responsible for debts contracted by the Committee.

IX. No Member of the Committee shall be personally liable for any contract made or expense incurred by or on behalf of the Committee; but the funds from time to time in the hands of the Committee shall be liable for and chargeable with all contracts and expenses duly incurred as aforesaid. Every Member of the Committee shall be liable for any misapplication of any monies entrusted to the Committee, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and he shall be liable to be sued for the

But shall be liable for the misapplication of monies entrusted to Committee if parties or privies thereto, or if caused through their gross neglect.

same in such Court as the Chief Commissioner of Oudh shall direct, as for money due to the Government of India.

Annual estimate to be sent in to Chief Commissioner.

X. The Committee shall each year, on or before such date prior to the first day of May as shall be fixed by the Chief Commissioner, furnish the Chief Commissioner with a statement or estimate (in such form as the Chief Commissioner shall direct) showing the expenditure which it is proposed by the Committee to incur during the year commencing on the first day of May then next, and the items in respect of which it is proposed to make such expenditure.

Accounts and statement of work done, to be annually furnished to Chief Commissioner.

XI. The Committee shall, as soon as may be after the first day of May in each year, provide the Chief Commissioner with a statement in detail, of all the work done by them and of all sums received and of all sums expended by them during the year ending on the thirtieth day of April then next preceding, in such form as the Chief Commissioner shall from time to time direct.

Municipal Fund.

XII. All such monies as the Chief Commissioner or any other person shall from time to time make over to the Municipal Committee for the purposes of this Act and all fines levied under this Act shall form a Municipal Fund, of which the Committee shall be the Trustees, and which shall be applied by the Committee to the conservancy and improvement of the City of Lucknow, and to the payment of the salaries and wages of the Officers and servants employed by the Committee, and all other expenses incurred in or about the carrying out the provisions of this Act.

Duty to be levied on articles taken into Lucknow for consumption there.

XIII. Duties on such things, and at such rates as the Chief Commissioner shall with the sanction of the Governor-General of India in Council from time to time declare, shall be levied in respect of the said things when brought into the City of Lucknow for consumption or use therein. The said duties shall be collected by such persons and in such manner as the Chief Commissioner shall direct. It shall be lawful for the Chief Commissioner to farm or let out the collection thereof for such period or periods as he shall think fit, but he shall in every case lay down rules as to the mode of levying and collecting the duties, and such rules shall have the like force and effect as Bye-laws duly made by the Committee.

Produce of collections on duties how to be applied.

XIV. All monies received on account of the duties aforesaid, if the same be collected directly under the orders of the Chief Commissioner, and all monies received from the farming or letting out the collection of the duties, shall be paid into the Bank of Bengal to the credit of the Chief Commissioner. Out of the monies paid in under this Section, the Chief Commissioner shall (after defraying the costs of collection if any) make over to the Committee for the purposes of this Act such sum, not being less than one-third of the monies so paid in, as shall to the Chief Commissioner seem proper.

Power of Committee to make Bye-laws.

XV. The Municipal Committee may from time to time make such Bye-laws as they may think fit, for defining, prohibiting and removing nuisances which are not public or common nuisances under the Indian Penal Code; for regulating the time and place of meeting of the Committee; the conduct of business at such meetings; the division of duties among the Members of the Committee; the appointment, suspension and removal of Officers and servants of the Committee, and fixing the salaries of such Officers and servants; for imposing penalties for the infringement of any Bye-law made by the Committee; and generally for the management of all matters connected with the conservancy and improvement of the City. The Committee may also from time to time repeal, alter, and amend any such Bye-laws. Provided that no Bye-law shall be repugnant to any law in force. Provided also that no penalty for the infringement of any such Bye-law shall exceed fifty Rupees, and that in case of a continuing infringement, no penalty shall exceed ten Rupees for every day after notice from the Committee of such infringement.

Bye-laws to be approved by Chief Commissioner.

XVI. No Bye-law or alteration of a Bye-law shall have effect until the same shall have been approved and confirmed by the Chief Commissioner, and shall have been duly published for such length of time and in such manner as the Chief Commissioner shall order.

Copies of Bye-laws to be kept exposed to public view in the Office of the Committee.

XVII. A copy in the English and Hindoostanee languages, of every Bye-law and alteration of a Bye-law for the time being in force shall be painted on or affixed to boards, and such boards shall at all times be hung up in some conspicuous part of the Office of the Committee.

Bye-laws to have the like effect as provisions of this Act.

XVIII. All Bye-laws, when the same shall have been duly confirmed and published shall, until the same be repealed or altered, be of the like effect as if they were inserted in this Act.

All prosecutions to be instituted before a Magistrate.

XIX. All prosecutions under this Act shall be instituted before a person exercising the powers of a Magistrate as defined in the Code of Criminal Procedure, and all fines imposed may be recovered in the manner prescribed in Section 61 of the said Code. The amount of all fines realized shall be paid to the Municipal Committee and be applied by them to the purposes of this Act.

Chief Commissioner to act subject to control of Governor-General.

XX. The Chief Commissioner of Oudh shall, in every thing done under or relating to this Act, be subject to the orders and control of the Governor-General of India in Council.

This Act may be extended to any place under immediate administration of Government of India.

XXI. It shall be lawful for the Governor-General of India in Council to extend this Act to any place under the immediate administration of the Government of India. Whenever this Act shall be extended to any place under the provisions of this Section, it shall have effect in such place as if the name of such place were substituted throughout this Act for the name "Lucknow." The Governor-General of India in Council in extending this Act shall declare what and how many persons shall be *ex-officio* Members of the Municipal Committee of the place to which it is extended.

XXII. The Chief Commissioner of any place to which this Act shall be extended under the last preceding Section may, with the sanction of the Governor-General of India in Council, declare that Sections XIII and XIV or either of them, or any of the provisions of those Sections, shall be of no effect in such place, and may also with the like sanction define the persons or property within such place to be taxed for raising the monies necessary for the purposes of this Act, whether by house assessment or town-duties or otherwise, the amount or rate of the taxes to be imposed, the manner of raising and collecting them and ensuring the safety and due application of them when collected.

Chief Commissioner with sanction of Governor-General in Council to declare what rates shall be levied where Act is extended.

Provided that no tax-duty or other rate shall be levied under this Section in any place in which duties are levied under Section XIII of this Act.

Proviso.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India, Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

ACT No. XIX OF 1864.

An Act to remove certain tracts of Country in the District of Mirzapore from the jurisdiction of the local Courts.

Whereas it is expedient to remove certain tracts of Country in the district of Mirzapore from the jurisdiction exercised by the Civil, Criminal, and Revenue Courts and Officers of that district under the General Regulations and Acts of the Government ; It is enacted as follows :—

Preamble.

I. The tracts of Country described in the Schedule to this Act are hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the Officers of Revenue, constituted by the Regulations of the Bengal Code and by the Acts passed by the Governor-General of India in Council: Provided that nothing herein contained shall extend to or affect any case now pending in any Court or Office.

Certain tracts removed from jurisdiction of the ordinary tribunals.

Proviso.

II. The administration of Civil and Criminal Justice and the superintendence of the settlement and realization of the Public Revenue, and all matters relating to rent within the said tracts, are hereby vested in such Officer or Officers as the Lieutenant-Governor of the North-Western Provinces may, for the purpose of tribunals of first instance or of reference and appeal, appoint; and the said Lieutenant-Governor may fix the periods within which appeals shall be preferred; provided that no sentence of death passed by any person competent under the appointment of the Lieutenant-Governor to pass such sentence, shall be carried into execution until it be confirmed by the Sudder Court.

Administration of justice and collection of revenue, vested in Officers appointed by Lieutenant-Governor North-Western Provinces.

III. When a question shall arise whether any place falls within the tracts described in the Schedule of this Act, it shall be competent to the Commissioner of the Division to determine on which side of the described boundary the place aforesaid may lie, and the order made by the Commissioner shall be final.

Question as to whether a place falls under this Act how to be settled.

IV. This Act shall take effect from such date as shall be fixed by the Lieutenant-Governor of the North-Western Provinces, and notification thereof shall be published in the Office of the Commissioner of the Division and in the Courts of the Civil and Sessions Judge, and of the Magistrate of the District, and in such other manner as the Lieutenant-Governor may direct.

Commencement of operation of this Act.

SCHEDULE.

The tracts referred to in the foregoing Act are as follows :—

Pergunnah Agoree, Tuppahs Agoree Khas and South Kone.

Pergunnah Singrowlee, Tuppah British Singrowlee.

Pergunnah Bicheepore, Tuppahs Phoolwa, Doodhee, and Burha.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India, Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

ACT No. XX OF 1864.

An Act for making better provision for the care of the persons and property of Minors in the Presidency of Bombay.

Whereas it is expedient to make better provision for the care of the persons and property of Minors in the Presidency of Bombay : It is enacted as follows :—

Preamble.

I. The care of the persons of all Minors (not being European British Subjects) and the charge of their property shall vest in the Civil Court.

Care of persons and charge of property of Minors vested in the Civil Court.

II. Every person who shall claim a right to have charge of property in trust for a Minor under a Will or Deed or other instrument in writing, or by reason of nearness of kin or otherwise, may apply to the Civil Court for a Certificate of Administration ; and no person shall be entitled to institute or defend any suit connected with the estate of which he claims the charge, until he shall have obtained such Cer-

What persons claiming to have charge of property in trust for a Minor may apply for Certificate of Administration.

No person to institute or defend a suit without such Certificate.

tificate. Provided that when the property is of small value, not exceeding Rupees two hundred and fifty, any Court having jurisdiction may allow any relative of a Minor to institute or defend a suit on his behalf, although a Certificate of Administration has not been granted to such relative.

Proviso.

III. Any relative or friend of a Minor in respect of whose property such Certificate has not been granted, or if the property consist in whole or in part of land or any interest in land, the Collector of the District, may apply to the Civil Court to appoint a fit person to take charge of the property and person of such Minor.

Who may apply to Court to appoint a person to take charge of the property, &c., of a Minor.

IV. If the property be situate in more than one District, any such application as aforesaid shall be made to the Civil Court of the District in which the Minor has his residence.

To what Court application to be made if property be situate in more than one District.

V. When application shall have been made to the Civil Court either by a person claiming a right to have charge of the property of a Minor, or by any relative or friend of a Minor, or by the Collector, the Court shall issue notice of the application and fix a day for hearing the same. On the day so fixed, or as soon after as may be convenient, the Court shall inquire summarily into the circumstances, and pass orders in the case. Provided always that it shall be competent to the Civil Court to direct any Court subordinate to it to make such inquiry and report the result.

Summary inquiry to be made by Court on application.

Proviso.

VI. If it shall appear that any person claiming a right to have charge of the property of a Minor is entitled to such right by virtue of a Will or Deed or other instrument in writing, and is willing to undertake the trust, the Court shall grant a Certificate of Administration to such person. If there is no person so entitled, or if such person is unwilling to undertake the trust, and there is any near relative of the Minor who is willing and fit to be entrusted with the charge of his property, the Court may grant a Certificate to such relative. The Court may also if it think fit (unless a Guardian have been appointed by the father), appoint such person as aforesaid, or such relative or any other relative or friend of the Minor, to be Guardian of the person of the Minor.

Certificate of Administration to whom to be granted.

Court may appoint person having such Certificate Guardian of the Minor's person.

VII. The Court may call upon the Collector or Magistrate for a report on the character and qualification of any relative or friend of the Minor, who may be desirous or willing to be entrusted with the charge of his property or person, and it shall be incumbent on the Collector or Magistrate to furnish such report after making all due inquiry.

Court may call upon Collector or Magistrate for a report on the character and qualification of relative or friend.

VIII. If no title to a Certificate be established to the satisfaction of the Court by a person claiming under a Will or Deed or other instrument in writing, and if there be no near relative willing and fit to be entrusted with the charge of the property or person of the Minor, and the Court shall think it to be necessary for the interest of the Minor that provision should be made by the Court for the charge of his property or person, the Court shall proceed to make such provision in the manner hereinafter provided.

Proceeding if no title to a Certificate be established, and if there be no relative fit to be entrusted with the property, &c., of a Minor.

IX. If the estate of the Minor consists of moveable property or of houses, gardens, or the like, the Court shall grant a Certificate to the Public Curator appointed under Section XIX, Act XIX of 1841 (*for the protection of moveable and immoveable property against wrongful possession in cases of successions*), or if there be no Public Curator, to any fit person whom the Court may select for the purpose.

If estate consists of moveable property, &c., Court may grant Certificate to Public Curator or other person.

X. Whenever the Court shall grant a Certificate of Administration to the estate of a Minor as aforesaid, it shall at the same time appoint a Guardian to take charge of the person and maintenance of the Minor. The person to whom a Certificate of Administration has been granted, unless he be the Public Curator, or the legal heir of the Minor, or next in succession to the property, may be appointed Guardian. Provided that in the case of Minors who have inherited property by adoption, the natural father may be appointed Guardian. If the person appointed to be Guardian be unwilling to discharge the trust gratuitously, the Court may assign him such allowance to be paid out of the estate of the Minor as under the circumstances of the case it may think suitable. The Court may also fix such allowance as it may think proper for the maintenance of the Minor, surviving parent whether natural or adoptive, husband, wife and children, if any, and such allowance and the allowance of the Guardian (if any) shall be paid to the Guardian by the Public Curator or other person as aforesaid.

Appointment of Guardian.

Guardian's allowance.

Allowance for maintenance of Minor, &c.

XI. If the estate of the Minor consist in whole or in part of land or any interest in land, the Court may direct the Collector of the District in which the larger part of the same may be situated to take charge of the estate.

When the estate consists of land, Court may direct Collector to take charge of estate.

XII. The Civil Court may take such security as it shall think necessary, from any person to whom it may grant a Certificate of Administration of the property of any Minor under this Act. Provided always, that no such security shall be demanded from the Collector of a District or the Public Curator, when their services may be availed of.

Court may take security.

Proviso.

XIII. In all inquiries and other proceedings held or had by the Civil Court under this Act, the Court may make such order as to the payment of costs by the person on whose application such inquiry was made or proceeding had, or out of the estate of the Minor, or otherwise, as it may think proper.

Cost of inquiries under this Act.

Course to be followed when one or more of the proprietors of an estate placed under Collector's charge may come of age.

XIV. Whenever one or more of the proprietors of an estate which has been placed under the Collector's charge shall have passed his or their minority, the Collector shall represent the fact to the Civil Court, and the Court, unless it see sufficient reason to the contrary, may direct the Collector to retain charge of the shares of the property of the still disqualified proprietors during the continuance of their disqualification, or until it shall be otherwise ordered by the Court; or the Court may direct the whole estate to be made over to the management of the proprietor or proprietors who shall have become of age, with such directions as to the share or shares of the still disqualified proprietor or proprietors as to the Court shall seem fit and proper.

Proceedings of Collector subject to control of superior Revenue Authorities.

XV. The proceedings of the Collector in the charge of estates under this Act shall be subject to the control of the superior Revenue Authorities.

Public Curator, &c., to furnish inventory and annual accounts.

XVI. The Public Curator and every other Administrator to whom a Certificate shall have been granted under Section X shall, within six months from the date of the Certificate, deliver in Court an inventory of all the immoveable property belonging to the Minor, and of all such sums of money, goods, effects, and things as he shall have received on account of the estate, together with a statement of all debts due by or to the same. And the Public Curator and every such other Administrator shall furnish annually within three months from the first of May of the Christian era an account of the property in his charge, exhibiting the amounts received, disbursed, and invested on account of the estate, and the balance in hand. If any relative or friend of a Minor, or any public Officer by petition to the Court shall impugn the accuracy of the said inventory and statement or of any annual account, the Court may summon the Curator or Administrator, and inquire summarily into the matter and make such order thereon as it shall think proper, or the Court, at its discretion, may refer such petition to any subordinate Court for investigation and report.

Proceeding if accuracy of inventory or account be impugned.

Public Curator, &c., to pay proceeds of estates into Treasury. Surplus funds to be invested in Public Securities.

XVII. All sums received by the Public Curator or such other Administrator on account of any estate, in excess of what may be required for the current expenses of the Minor or of the estate, shall by him be invested on account of the estate, from time to time, in the Public Securities.

Powers of person to whom Certificate has been granted in the management of Minor's estate.

XVIII. Every person to whom a Certificate shall have been granted under the provisions of this Act may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a Minor, and may collect and pay all just claims, debts, and liabilities due to or by the estate of the Minor. But no such person shall have power to sell, alienate, mortgage, or otherwise incumber any immoveable property, or to grant a lease thereof for any period exceeding five years, without the sanction of the Civil Court previously obtained.

Relative or friend may sue for an account.

XIX. It shall be lawful for any relative or friend of a Minor at any time during the continuance of the minority to sue for an account from any Manager appointed under this Act, or from any person to whom a Certificate shall have been granted under the provisions of this Act, or from any such Manager or person after his removal from office or trust, or from his personal representative in case of his death, in respect of any estate then or formerly under his care or management, or of any sums of money or other property received by him on account of such estate.

Continuance of suit instituted under this Act after disqualification shall have ceased.

XX. If the disqualification of a person for whose benefit a suit shall have been instituted under this Act cease before the final decision thereof, it shall be lawful for such person to continue the prosecution of the suit on his own behalf.

Revocation of Certificate.

XXI. The Civil Court for any sufficient cause may recall any Certificate granted under this Act, and may direct the Collector to take charge of the estate, or may grant a fresh Certificate to the Public Curator or any other person as the case may be, and may compel the person whose Certificate has been recalled to make over the property in his hands to his successor, and account to such successor for all moneys received and disbursed by him. The Court may also for any sufficient cause remove any Guardian appointed by the Court.

Removal of Guardian.

Penalty for neglect or refusal to deliver accounts or property.

XXII. The Civil Court may impose a fine not exceeding Five hundred Rupees on any person who may wilfully neglect or refuse to deliver his accounts or any property in his hands, within the prescribed time or a time fixed by the Court, and may realise such fine by attachment and sale of his property under the rules in force for the execution of decrees of Court, and may also commit the recusant to confinement in the Civil Jail until he shall consent to deliver such accounts or property.

Civil Court may permit resignation of trust, &c.

XXIII. The Civil Court may permit any person to whom a Certificate shall have been granted under this Act not being the Public Curator, and any Guardian appointed by the Court, to resign his trust, and may give him a discharge therefrom on his accounting to his successor duly appointed for all moneys received and disbursed by him and making over the property in his hands.

Remuneration of Public Curator, &c.

XXIV. The Public Curator and every other Administrator to whom a Certificate shall have been granted under Section X shall be entitled to receive such commission not exceeding five per centum on the sums received and disbursed by him, or such other allowance to be paid out of the Minor's estate, as the Civil Court shall think fit.

XXV. Every Guardian appointed by the Civil Court under this Act who shall have charge of any male Minor shall be bound to provide for his education in a suitable manner. The general superintendence and control of the education of all such Minors shall be vested in the Civil Court.

Guardian of Minors under this Act to provide for their education.

XXVI. In the exercise of this superintendence and control, it shall be lawful for the Civil Court to direct that such Minor shall reside either with or without his Guardian at the Sudder Station of the District, or at any other place within the Presidency of Bombay, and shall attend for the purposes of education such School or College as to the said Civil Court may seem expedient, and to make such provision as may be necessary for the proper care and suitable maintenance of the said Minor whilst attending such School or College.

Civil Court my fix the residence and place of education of Minor.

XXVII. If it shall appear to the Civil Court inexpedient to place any such Minor at School or College, it shall, if the proceeds of the estate are sufficient for that purpose, cause such Minor to be educated by a private tutor properly qualified, either at the family residence of such Minor or at the Sudder Station, or elsewhere within the Presidency of Bombay, and in that case also the Civil Court shall have power to determine, from time to time, the place of residence of such Minor, and to make such provision as may be necessary for his proper tuition and maintenance during the period of his education.

Or in certain cases to cause a Minor to be educated privately.

XXVIII. All charges and expenses which may be incurred on account of any male Minor under the provisions of this Act, for College or School fees, or for other charges of tuition or education, or by reason of his residence in any place other than his own home or otherwise, shall be defrayed from the profits of his estate in the same manner as other expenses incurred under the authority or with the sanction of the Civil Court.

Charges and expenses incurred under this Act to be paid out of the profits of the Minor's estate.

XXIX. Every Guardian appointed under this Act who shall have charge of an unmarried Minor, shall pay all the necessary expenses of the marriage of such Minor out of the estate; provided that these expenses shall in no case, without the sanction of the Civil Court, involve the Minor's estate in debt.

Marriage of Minors.

XXX. For the purposes of this Act every person shall be held to be a Minor who has not attained the age of eighteen years.

Who to be held a Minor for the purposes of this Act.

XXXI. Nothing in this Act shall authorize the appointment of a Guardian of the person of a female whose husband is not a Minor, or the appointment of any person other than a female as the Guardian of the person of a female. If a Guardian of the person of a Minor be appointed during the minority of the husband of the Minor, the Guardianship shall cease as soon as the husband shall attain the age of majority.

Act not to authorize the appointment of Guardians of certain married women.

Guardianship during the minority of the husband of a Minor when to cease.

XXXII. Nothing in this Act shall be held to interfere with the provisions of Act XXXV of 1858 *(for making better provision for the care of the Estates of Lunatics)*.

Act not to interfere with Act XXXV of 1858.

XXXIII. All orders passed by the Civil Court under this Act shall be open to appeal to the High Court at Bombay, and shall be subject to all the provisions contained in Section 366 of the Code of Civil Procedure.

Orders of the Civil Court open to appeal.

XXXIV. The expression "Civil Court" as used in this Act shall be held to mean the principal Court of original civil jurisdiction in the District, and shall not include the High Court of Judicature; and nothing contained in this Act shall be held to affect the powers of the High Court of Judicature over the person or property of any Minor subject to its jurisdiction. Unless the contrary appears from the context, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; and words importing the masculine gender shall include females.

Construction of the words "Civil Court," &c. Powers of High Court not affected.

Number.

Gender.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India,

Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 1st April 1864, and is hereby promulgated for general information :—

Act No. XXI of 1864.

An Act for the extension of the jurisdiction of the Magistrates of Police in Calcutta.

Preamble.

Whereas it is expedient to empower the Magistrates of Police in Calcutta to punish summarily certain offences in addition to those which they are now empowered so to punish; It is enacted as follows :—

Persons guilty of certain offences may be tried summarily by a Magistrate of Police.

I. Every case in which any person is charged before a Magistrate of Police in Calcutta with having within the limits of the said Town, or within the limits of the Port of Calcutta as those limits are or may hereafter be defined under Act XXII of 1855 *(for the regulation of Ports and Port-dues)*, committed any offence under any of the provisions contained in Chapter XIV of the Indian Penal Code except Sections 280 and 281, may be heard and determined by such Magistrate in a summary way: and every such person shall on conviction by such Magistrate be punished in the manner provided by the Indian Penal Code for the punishment of the offence of which he shall be convicted. Provided that no Magistrate shall under this Act be competent to pass sentence in respect of any offence beyond the following limits, that is to say:—Imprisonment of either description not exceeding six months or fine not exceeding two hundred Rupees, or both imprisonment and

fine in cases in which both punishments are authorized by the Indian Penal Code. Provided also that the Magistrate may commit to the High Court for trial any such case which he may in his discretion think it proper so to commit.

Sections 62, 63, 308, 309, 310, 311, 312, 313 and 314 of the Code of Criminal Procedure extended to Calcutta.

II. Sections 62, 63, 308, 309, 310, 311, 312, 313 and 314 of the Code of Criminal Procedure are hereby extended to and shall have operation within the Town of Calcutta and within the limits of the Port of Calcutta defined as aforesaid, and the words "Magistrate" and "Magistrate of a District" as used in the said Sections shall denote any Magistrate of Police in Calcutta who may be authorized in that behalf by the local Government.

Magistrate may take cognizance of offences without complaint made.

III. Any Magistrate of Police in Calcutta, authorized as aforesaid may without any complaint take cognizance of any offence which he has power to hear and dispose of in a summary manner, which may come to his knowledge, and he may issue a summons, or, in cases where a warrant may issue, a warrant of arrest against the person known or suspected to have committed such offence, in the same manner as if a complaint had been made against such person.

Procedure in such cases.

IV. Save as in this Act otherwise provided the procedure contained in Act XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras, and Bombay)* as amended by Act XLVIII of 1860 *(to amend Act XIII of 1856)* shall be applicable to offences committed and charges made under this Act.

Commencement of Act.

V. This Act shall come into operation on the first day of May 1864.

Act may be extended by Governors in Council of Madras and Bombay.

VI. This Act may by an order of the Governor in Council of Fort St. George, or of the Governor in Council of Bombay respectively, to be published in the Official Gazette, be extended to the Towns and Ports of Madras and Bombay, and when so extended by such order, shall take effect in the Town and Port to which the order shall relate from the date of the publication of such order. When so extended to either the Town and Port of Madras, or the Town and Port of Bombay, this Act shall in all respects apply to such Town and Port as if the name of such Town and Port had appeared in this Act wherever the name of Calcutta appears.

C. BOULNOIS,
Offg. Depy. Secy. to the Govt. of India,
Home Dept.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st April 1864, and is hereby promulgated for general information :—

ACT No. XXII OF 1864.

An Act to make provision for the Administration of Military Cantonments.

Preamble.

Whereas it is expedient to make provision for regulating the administration of Civil and Criminal Justice and the superintendence of Police and Conservancy, for protecting the public health within the limits of Military Cantonments, and for laying down local Rules and Regulations to be enforced within such limits; It is enacted as follows :—

Interpretation.

I. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say :—

"British India."

The words "British India" denote the Territories which are or may become vested in Her Majesty by the Statute 21 and 22 Victoria, Chapter 106, entitled *"An Act for the better Government of India,"* except the Settlement of Prince of Wales' Island, Singapore, and Malacca :

"Local Government."

The words "Local Government" denote the person or persons authorized by law to administer Executive Government in any part of British India :

"Section"

The word "Section" denotes a Section of this Act :

Number.

Words importing the singular number include the plural number, and words importing the plural number include the singular number :

Gender.

Words importing the masculine gender include females.

Act and parts of certain Regulations repealed.

II. The Act and the parts of the Regulations in the Schedule hereunto annexed set forth, are hereby repealed to the extent in the said Schedule declared.

Criminal jurisdiction of a Cantonment Magistrate.

III. When any person shall be invested by the local Government under the provisions of Section XXIII of the Code of Criminal Procedure, with the powers of a Magistrate within the limits of any Military Cantonment, such person shall be styled the Cantonment Magistrate, and within the limits of such Cantonment shall, subject to the control of the Magistrate of the District in which such Cantonment is situate, exercise the powers of a Magistrate as defined in the said Code, for the purpose of disposing of all cases arising within such Cantonment which the Magistrate of the District might dispose of, and for the commitment for trial before the Court of Session of the District or place in which such Cantonment is situate, of any person charged with any offence triable before the Court of Session, or for which the person charged shall appear to deserve a more severe sentence than a Magistrate is competent under the said Code of Criminal Procedure to award.

Cantonment Magistrate to be deemed a Magistrate in charge of a Division of a District.

IV. The Cantonment Magistrate shall be considered a Magistrate in charge of a Division of a District within the meaning and for the purposes of the Code of Criminal Procedure.

Assistant Cantonment Magistrates.

V. When any person shall be invested by the local Government under the provisions of Section XXIII of the Code of Criminal Procedure, with the powers of a subordinate Magistrate of the first or second Class within the limits of any Military Cantonment, such person shall be styled the Assistant Cantonment Magistrate and shall be subject to the Rules laid down for subordinate Magistrates in the said Code.

Small Cause Courts may be established in Cantonments.

VI. The local Government may within the limits of any Military Cantonment establish a Court of Small Causes for the trial of suits of the nature described in Section III of Act XLII of 1860 *(for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter)*, and the Cantonment Magistrate, if there be a Cantonment Magistrate, shall be the Judge of the Court so established within his jurisdiction. The local Government shall from time to time declare the pecuniary limit of the jurisdiction of every Court established under this Section, but such limit shall in no case exceed five hundred Rupees.

Act XLII of 1860 to apply to all such Courts.

VII. Every Court of Small Causes established under this Act shall be deemed to be a Court established under the said Act XLII of 1860, and all the provisions of the said Act shall be applicable to every such Court, and to all suits instituted in any such Court, except as is herein otherwise provided.

Certain Acts suspended in Cantonments where Cantonment Magistrates are made Small Cause Judges.

VIII. Whenever a Court of Small Causes is established in any Military Cantonment under the provisions of Section VI, the jurisdiction exercised in such Cantonment by any Officer under Act III of 1859 *(for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds)* shall cease and determine, and so much of any Act as authorizes the Commanding Officers of Stations or Cantonments to convene Military Courts of Requests for the trial of actions of debt and other personal actions as aforesaid, shall cease to have effect within the limits of such Cantonment.

Assistant Cantonment Magistrate may be invested with powers of a Small Cause Court Judge up to fifty Rupees.

IX. The local Government may invest any Assistant Cantonment Magistrate with the powers of a Judge of a Court of Small Causes to try suits instituted in any Court which is established under Section VI: provided that no Assistant Cantonment Magistrate shall have jurisdiction to try suits for an amount exceeding fifty Rupees.

Cantonment may be declared a Sub-District under Registration Act.

X. Any Military Cantonment may be declared by the local Government to be a Sub-District for the purposes of Act XVI of 1864 *(to provide for the Registration of Assurances)*. The Cantonment Magistrate of any Cantonment so declared shall be the Deputy Registrar thereof.

Act V of 1861 applicable to Police employed in Military Cantonments.

XI. The Police Force employed in any Military Cantonment shall be deemed to be part of the General Police Force under the local Government in whose Territories such Cantonment is situate, within the meaning of Section II Act V of 1861 *(for the Regulation of Police)*, and all the provisions of the said Act shall be applicable to such Force. The administration of the Police within the limits of any Cantonment in which there shall be a Cantonment Magistrate shall be vested in the District Superintendent subject to the general control and direction of the Commanding Officer of such Cantonment.

Administration of Police within Cantonments.

Extension of Section XXXIV Act V of 1861 to Military Cantonments.

XII. The local Government may extend Section XXXIV of the said Act V of 1861 to any Military Cantonment situate in the Territories under such Government.

Service and execution, through Cantonment Magistrate, of process issued by Commanding Officers.

XIII. The Commanding Officer of a Cantonment may send any process requiring service or execution by any means not immediately at his disposal, to the Chief Police Officer in the Cantonment for service or execution through the Cantonment Police, and it shall be the duty of the said Chief Police Officer to serve or execute such process in the same manner as if it had been issued by the Cantonment Magistrate, and subject to the same rules.

Local Government may extend Act XX of 1856 to any Military Cantonment.

XIV. It shall be lawful for the local Government to extend the provisions of Act XX of 1856 *(to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazars in the Presidency of Fort William in Bengal)*, to any Military Cantonment to which a Cantonment Magistrate may be appointed, and the Cantonment Magistrate of any Military Cantonment to which the said Act shall be so extended may exercise all the powers vested in a Magistrate by that Act subject only to the control of the Magistrate of the District and the local Government. If there be no Cantonment Magistrate, the Magistrate of the District shall carry out the provisions of the said Act when so extended as aforesaid.

And may order division of Cantonments, &c.

XV. It shall be lawful for the local Government to order that any Military Cantonment to which the provisions of the said Act XX of 1856 shall be extended be divided into any number of Cantonment divisions, and to determine the nature of the tax to be levied in each such division according to Section X of the said Act.

Also lay down rules for guidance.

XVI. The local Government may prescribe rules for regulating the expenditure for the general purposes of this Act, of any funds raised under the said Act XX of 1856. Such funds may be expended for the purpose of carrying out any measures under any of the Rules and Regulations made under Section XVII of this Act in addition to or in lieu of the purposes described in Section XXXVI of the said Act XX of 1856.

Rules and Regulations to provide for certain matters specified.

XVII. The local Government shall have power to make Rules and Regulations not inconsistent with the provisions of this Act or of any other law in force, to provide within the limits of any Military Cantonment for the matters hereinafter mentioned, and from time to time to repeal, or alter, such Rules and Regulations. The Rules and Regulations made under this Section may be general for all Military Cantonments in the Territories under the local Government making the same, or special for any one or more of such Cantonments, according as the local Government shall direct.

Rules to be confirmed by Governor-General in Council.

XVIII. No Rule or Regulation made or altered under the last preceding Section shall have effect until the same shall have been confirmed by the Governor-General of India in Council. A copy of every such Rule and Regulation when so confirmed, in English and in the Vernacular language chiefly in use, shall be hung up in some conspicuous part of the Office of the Cantonment Magistrate, or in such other place as the local Government or the Commanding Officer may direct.

What Rules may provide for.

XIX. The Rules and Regulations made under Section XVII may provide—

1st.—For regulating, in cases in which the land within the limits of the Cantonment is the property of Government and the occupation and use of which by private persons is only permissive, the conditions under which such occupation or use shall be allowed, and under which the Government may resume possession of such land, and under which compensation shall be given to persons occupying or using the land so resumed.

2nd.—For maintaining proper registers of immoveable property within the limits of the Cantonment, and for providing for the registration of transfers of such property.

3rd.—For regulating the manner in which houses within the limits of the Cantonment shall be claimable for purchase or hire, when necessary, for the accommodation of Military Officers.

4th.—For regulating the management and expenditure of any funds made available by law or by the Government for the purpose of public improvements within the limits of the Cantonment, or for carrying out any Rules and Regulations passed under this Section, and the appointment of the necessary servants and establishments.

5th.—For the definition and prohibition of public nuisances.

6th.—For the maintenance generally of the Cantonment in a proper sanitary condition; for the prevention and cure of disease; for the management and regulation of the public roads, of conservancy and drainage; for the regulation and inspection of public and private necessaries, urinals, cess-pools, drains and all places in which filth or rubbish is deposited; of slaughter-houses, public markets, burial and burning grounds, and of all offensive or dangerous trades and occupations.

7th.—For inspecting and controlling houses of ill-fame and for preventing the spread of venereal disease.

8th.—For the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use.

9th.—For the execution and promotion of works of public utility and convenience.

10th.—For the registration of deaths, and for making and recording observations and facts important for the public health and interests.

11th.—For the imposition of penalties on persons convicted of the breach of any Rule or Regulation made under Section XVII, and for declaring what persons shall make the preliminary inquiry into or take cognizance of any breach of such Rules and Regulations, and the manner in which the investigation shall be conducted. Provided that no penalty so imposed shall exceed a fine of fifty Rupees, or imprisonment for eight days with or without labour.

Trial of breaches of such Rules and Regulations.

XX. Breaches of any Rule or Regulation made under Section XVII shall be triable by the Cantonment Magistrate when there is such an Officer: but the local Government may invest any Assistant Cantonment Magistrate, or any other person, with powers to try such breaches, and may authorize such person to exercise such powers independently of the Cantonment Magistrate. The Magistrate of the District shall have no control over the Cantonment Magistrate, or over any Assistant Cantonment Magistrate, or any other person invested with such powers as herein aforesaid.

Levy of fines imposed.

XXI. In every case in which an offender is sentenced to a fine for the breach of any Rule or Regulation made under Section XVII, the amount may in case of non-payment be levied by distress and sale of any moveable property of the offender which may be found within the limits of the Cantonment.

Imprisonment in case of amount not being recoverable as above.

XXII. If no such property sufficient for the payment of the fine can be found, the offender shall be liable to be imprisoned without labour for any term not exceeding one month.

Imprisonment to be where.

XXIII. The imprisonment under Section XIX or Section XXII may be, if without labour, in the Civil Jail; and if with labour, in the Criminal Jail of the District.

Prosecutions, &c., under other Regulations, &c., not barred by this Act.

XXIV. Nothing in this Act nor in any Rule or Regulation made under Section XVII shall prevent any person from being prosecuted under any other Regulation or Act for any offence punishable under this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act. Provided that no person shall be punished twice for the same offence.

For protection of health, Rules and Regulations made under Clause 7 of Section XIX may be extended beyond limits of Cantonments for certain purposes.

XXV. Whenever it shall appear necessary for the protection of the health of the troops in any Military Cantonment, it shall be lawful for the Governor-General of India in Council to extend to any place outside the limits of such Military Cantonment and in the vicinity of such Cantonment all or any of the Rules and Regulations made for such Cantonment under Clause 7 of Section XIX, and to make any additional Rules and Regulations under the said Clause, and to define the limits around such Cantonment within which such Rules and Regulations or additional Rules and Regulations shall be in force.

In such case, penalties may be imposed for breach of Rules in extended limits.

XXVI. When such Rules and Regulations, with any additional Rules or Regulations made as above, shall be extended under the last preceding Section to any place outside the limits of such Cantonment, it shall be lawful for the Governor-General of India in Council to provide in the manner described in Clause 11 of Section XIX for the imposition

of penalties for the breach of such Rules and Regulations, and for prescribing the manner in which and the persons by whom breaches of such Rules and Regulations shall be inquired into or be cognizable.

Courts, &c., to take judicial notice of Rules passed under this Act.

XXVII. All Courts and Magistrates shall take judicial notice of all Rules and Regulations made under Section XVII or Section XXV.

Effect of Rules, &c., passed under Section XVII of this Act in respect of Regulations, &c., previously in force.

XXVIII. Whenever in any Military Cantonment, Rules and Regulations have been made under Section XVII, so much of any Regulation or Act as may be held to empower the Commanding Officer to make local Regulations regarding matters other than Military shall cease to have any effect in such Cantonment, and all local Regulations for any Military Cantonment which may have been made before the promulgation of the Rules and Regulations for such Cantonment made under the said Section XVII, shall cease to have any effect. Provided that nothing in this Section shall be held to interfere with any Military authority vested in the said Commanding Officer under the Articles of War.

Proviso.

Unauthorized sale of liquor to Military persons in Cantonments how punishable.

XXIX. If within any Military Cantonment or within any limits around such Cantonment prescribed by the local Government, any person not amenable to the Articles of War or any Sutler or Camp-Follower shall knowingly barter, sell, or supply, or offer or attempt to barter, sell or supply any spirituous liquor, wine, or intoxicating drug to or for the use of any European Soldier, or to or for the use of any European or Eurasian being a Camp-Follower or a Soldier's wife, without a written license from the Officer Commanding or from some person having sufficient authority from the Officer Commanding to grant such license, the person so bartering, selling, or supplying, or offering or attempting to barter, sell, or supply such spirituous liquor, wine, or intoxicating drug as aforesaid, shall be liable on conviction to a fine not exceeding one hundred Rupees, or in the discretion of the Magistrate to imprisonment with or without hard labor for any period not exceeding three months, or in lieu of such fine or imprisonment to the punishment of whipping, as prescribed for offences under Section II of Act VI of 1864 *(to authorize the punishment of whipping in certain cases)*, subject to all the provisions of that Act.

Consequence of second conviction of offence under last preceding Section.

XXX. If any person convicted of an offence under the last preceding Section shall be again convicted of an offence under that Section, any spirituous liquor, wine, or intoxicating drug within such Cantonment or limits, which at the time of the commission of such subsequent offence shall belong to or be in the possession of such person, shall without further proof be deemed to be in the possession of such person for the purpose of being supplied to European Soldiers contrary to the provisions of this Act, and shall be liable to be seized and confiscated.

Camp Followers and others having possession of liquor beyond certain quantity without permit, how punishable.

XXXI. If any Camp Follower or Military Pensioner, or the wife or the widow of any Soldier, Camp-Follower, or Military Pensioner shall, within such Cantonment or limits remove, convey, or have in his or her possession any quantity of spirituous liquor or wine exceeding one seer or quart, without a permit to be signed by the Officer in Command, or such other Officer as may be appointed by him to grant permits under this Act, every such person shall be liable upon conviction to a fine not exceeding fifty Rupees, and for any subsequent offence to a fine not exceeding one hundred Rupees, or to imprisonment with or without hard labor for any term not exceeding three calendar months: provided that nothing in this Section contained shall apply to any liquor brought into a Cantonment for the private use of any Commissioned Officer.

Arrest of persons committing offence under Section XXX or XXXI.

XXXII. If any person subject to the provisions of this Act shall be found committing any offence contrary to Section XXX or Section XXXI of this Act, any Police Officer may immediately without warrant arrest such person, and also seize any spirituous liquor, wine, or intoxicating drug, together with any vessel containing the same, and any thing used for the purpose of removing, conveying, or concealing the same, which may be found in his possession, and shall thereupon without delay take such person together with the things so seized, before the Cantonment Magistrate or other Officer having jurisdiction to punish the offender.

Confiscation of liquor in respect of which conviction may be had, or which may be in possession of party convicted.

XXXIII. In case of a conviction for any offence under Section XXX or Section XXXI of this Act, the Cantonment Magistrate or other Officer may adjudge any liquor, wine, or intoxicating drug in respect of which the party shall be convicted, and any other spirituous liquor, wine, or intoxicating drug which shall be found in his possession at the time of committing the offence, and any vessel containing the same, together with any thing used for the purpose of conveying, removing, or concealing the same or any part thereof, to be confiscated; and such Magistrate may order the whole or any part or parts of any fine imposed under this Act to be paid, as soon as the same shall be realized, to the person upon whose information such conviction shall take place, or to the Officer who shall have apprehended the offender or siezed any of the goods adjudged to be confiscated.

Things seized under Act may be detained until party charged with offence is acquitted.

XXXIV. Any thing seized under Section XXXII in respect of which any person shall be charged with an offence, may be ordered to be detained until the person in whose possession the same shall have been seized shall be convicted or acquitted of the offence charged.

How to be disposed of.

If the person shall be acquitted, any thing so seized shall be restored; if he shall be convicted, such of the things only, if any, as shall not be adjudged by the Cantonment Magistrate or other Officer to be confiscated, shall be restored: the remainder shall be dealt with as confiscated.

Saving of articles sold or supplied for medicinal purposes.

XXXV. The foregoing Sections shall not apply to the sale or supply of any article for medicinal purposes, by recognized Medical Practitioners, Chemists, or Druggists.

Act not to interfere with jurisdiction of Courts Martial, &c.

XXXVI. Nothing in this Act shall interfere with the jurisdiction of Courts Martial, or of Commanding Officers of Cantonments or of Regiments, Corps, or Detachments under Act XXIX of 1861 *(to consolidate and amend the Articles of War for the Government of the Native Officers and Soldiers in Her Majesty's Indian Army)*, or under Act V of 1863 *(to amend Act XXIX of* 1861), or with the provisions of any Statute for punishing mutiny and desertion of Officers and Soldiers in the service of Her Majesty in the East Indies, and the Cantonment Magistrate shall exercise no jurisdiction in respect of such offences. Provided that when a Cantonment Magistrate or other Officer not being the Commanding Officer shall have been vested by the local Government with power within the limits of any Military Cantonment to dispose of cases under any Rule or Regulation made under Section XVII, it shall not be competent to the Commanding Officer to exercise the powers described in Article 84 of the said Act XXIX of 1861 in respect of any case arising under such Rule or Regulation, when such Rules and Regulations have been passed for such Cantonment under Section XVII, and penalties shall have been laid down for their infringement. The said Rules and Regulations shall be held to be the Rules and Regulations mentioned in the said Article 84 of the said Act XXIX of 1861, and so much of the said Article as declares the penalties which may be inflicted for breach of Cantonment Regulations, shall cease from that time to have any effect in such Cantonment.

Proviso.

Acts done by Cantonment Magistrates before passing of this Act legalized.

XXXVII. All Acts done previously to the passing of this Act by Cantonment Joint Magistrates, or by persons acting under their authority or otherwise in any Military Cantonment in pursuance of an order of Government, or which shall have been or shall be ratified by the Executive Government, are hereby confirmed and made valid; and all such Officers and persons as aforesaid are hereby indemnified and discharged from liability in respect of such Acts.

Operation of Act.

XXXVIII. This Act shall, save as hereinafter is provided, extend only to the Presidency of Fort William in Bengal.

Act may be extended by the Governor-General in Council to certain other places.

XXXIX. The provisions of this Act may be extended by order of the Governor-General of India in Council to any place under the immediate administration of the Government of India, and to any place in India but not in British India in which British Troops are cantoned.

Governments of Madras, Bombay or the Punjab may extend the Act.

XL. The provisions of this Act may be extended by order of the Governor of Madras in Council, or by order of the Governor of Bombay in Council, and by order of the Lieutenant-Governor of the Punjab to any part of the territories subject to their respective Governments.

May be extended by Lieutenant-Governor of Bengal or the North-Western Provinces.

XLI. The provisions of this Act may be extended by order of the Lieutenant-Governor of Bengal, or by order of the Lieutenant-Governor of the North-Western Provinces, to any part of the territories under their respective Governments not within the Presidency of Fort William in Bengal.

Publication of Orders extending the Act.

XLII. Every order issued under Sections XXXIX, XL or XLI shall be published in the Official Gazette.

Where no Court of Session within limits of jurisdiction of Cantonment Magistrate, how commitments to be made and appeals heard.

XLIII. If in the Territories not subject to the general Regulations, or in any part of India not subject to the British Government, any person be invested with the powers of a Cantonment Magistrate within the limits of any Cantonment situated in any district or place in which there is no person exercising the powers of a Court of Session, the Governor-General of India in Council may direct to what authority the commitments shall be made and by what authority the appeals from the sentences and orders passed by such Cantonment Magistrate shall be heard and determined, and such commitments and appeals shall be heard and determined by such authority in the same manner as if the commitments had been made, or the sentences or orders appealed from had been passed, by a Magistrate within the jurisdiction of a Court of Session. The Governor-General of India in Council may also direct by what authority appeals from the sentences and orders passed in cases committed by such Cantonment Magistrate shall be heard and determined; and such appeals shall be heard and determined by such last mentioned authority in like manner as if the sentences and orders appealed from had been passed by a Court of Session.

What Authority to exercise powers of Sudder Court in respect of Small Cause Courts established in a Non-Regulation place or places out of British India.

XLIV. If a Court of Small Causes shall be established under Section VI in any Military Cantonment in the Territories not subject to the general Regulations, or in any part of India not subject to the British Government, the Governor-General of India in Council shall declare what authority shall exercise the powers vested in the Sudder Court by the provisions of the said Act XLII of 1860.

Application of Registration Act to Cantonment not in British India.

XLV. If any Military Cantonment in any part of India not subject to the British Government shall be declared by the Governor-General of India in Council to be a Sub-District for the purposes of registration under Act XVI of 1864, the Governor-General of India in Council shall declare what authorities shall be deemed to be the District Registrar and the Registrar General respectively with reference to such Military Cantonment and the Deputy Registrar thereof.

Certain Regulations and Acts to cease to have effect in Cantonments in Madras, Bombay or the Punjab in which Cantonment Magistrate exercises jurisdiction under this Act.

XLVI. From the date on which any Cantonment Magistrate shall begin to exercise jurisdiction under this Act in any Cantonment in the Territories subject to the Government of Madras, or to the Government of Bombay, or to the

Lieutenant-Governor of the Punjab, so much of the Regulations and Acts for the time being in force in such part of the said Territories as is in any way inconsistent with or repugnant to any of the provisions of this Act shall cease to have effect in such Cantonment.

SCHEDULE.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Regulation III. 1809...	Bengal Code...	For the support of the Police in the Cantonments and Military Bazars; for defining the powers of the Civil and Military Officers in the performance of that duty; and for fixing the local limits of the said Cantonments and Bazars.	Sections II and III.
Regulation XX. 1810...	Bengal Code...	For subjecting persons attached to the Military Establishments to Martial Law in certain cases, and for the better government of the retainers and dependants of the Army receiving public pay on fixed Establishments, and of persons seeking a livelihood by supplying the Troops in Garrison, Cantonment, and Station Military Bazars, or attached to Bazars of Corps.	So much of Section XII as declares that the persons therein mentioned shall be liable to be tried by a Native Court Martial for the offence stated. Also Sections XIII, XIV, XV, XVI, XVII, XVIII, and XXI.

Number and date of Act.	Title.	Extent of Repeal.
Act XVIII. of 1853 ...	For regulating the sale of spirituous liquors, &c., in Cantonments.	The whole Act so far as it relates to the Bengal Presidency.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India, Home Dept.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor-General on the 7th April 1864, and is hereby promulgated for general information:—

ACT No. XXIII OF 1864.

An Act to amend the law relating to the Customs Duties on goods imported by Sea.

Preamble.

Whereas it is expedient to amend the law relating to the Customs' Duties; it is enacted as follows:—

Act XXVI of 1863 repealed.

I. From and after the passing of this Act, Act XXVI of 1863 (*to amend Act XI of* 1862, *to amend Act X of* 1860, *to amend Act VII of* 1859, *to alter the Duties of Customs on Goods imported or exported by Sea*) shall cease to have effect, except as to any act done or liability incurred.

Customs Duties to be levied as prescribed in this Section.

II. From and after the passing of this Act, in lieu of the Customs' Duties authorized in Act XI of 1862 (*to amend Act X of* 1860, *to amend Act VII of* 1859, *to alter the Duties of Customs on Goods imported or exported by Sea*) to be charged on Iron; on Wines and Liqueurs; on Porter, Ale, Beer, Cider, and other similar fermented liquors; and on Tobacco and on all articles not enumerated in the Schedule A annexed to the said Act XI of 1862, there shall be levied and collected, in conformity with the provisions of Act VI of 1863 (*the consolidated Customs Act*), the following Customs' Duties; that is to say;—

On Iron (which shall not be taken to include ironmongery, cutlery, or hardware) ...	One per cent. *ad valorem*:
On Wines and Liqueurs ...	One Rupee the Imperial gallon:
On Porter, Ale, Beer, Cider, and other similar fermented liquors	One Anna the Imperial gallon:
On Tobacco, whether manufactured or not manufactured ..	Ten per cent. *ad valorem*:
On all other articles not enumerated in this Act or in the Schedule A annexed to the said Act XI of 1862 ...	Seven and a half per cent. *ad valorem*.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India, Home Dept.

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 30th March 1864, and was referred to a Select Committee, with instructions to make their report thereon in one week :—

No. 12 OF 1864.

A Bill relating to the Administration of certain Districts under the Government of the Lieutenant-Governor of the North-Western Provinces.

Preamble.

Whereas certain Rules for the administration of Civil Justice and for the superintendence of the settlement and realization of the public Revenue and of matters relating to rent in the Districts of Jhansie, Jaloun, and Lullutpore, were made by the Lieutenant-Governor of the North-Western Provinces, and came into operation on the twenty-eighth day of January and the seventh day of February 1862 : and whereas the said Rules, so far as they relate to the administration of Civil Justice, were afterwards extended by an order of the Lieutenant-Governor of the North-Western Provinces to the Provinces of Kumaon and Ghurwal : and whereas it is expedient to prevent the validity of decisions, orders, and proceedings passed or held under the said Rules being questioned only by reason that the said Rules were not made in accordance with the provisions of the Indian Council's Act. 1861 : and whereas it is expedient to make provision for the administration of the Districts and Provinces aforesaid and also of a tract of country in Dehra Dhoon in the North-Western Provinces known as Jounsar Bawur ; It is enacted as follows :

Rules relating to jurisdiction and procedure of Revenue Officers, &c., to be deemed valid from date of issue.

I. The Rules made as aforesaid by the Lieutenant-Governor of the North-Western Provinces relating to the jurisdiction and procedure of the Revenue Officers, and for the superintendence of the settlement and realization of the Public Revenue and of matters relating to rent within the said Districts of Jhansie, Jaloun and Lullutpore, shall be deemed valid for all purposes from he date when such Rules were issued.

Rules for administration of Civil Justice to be deemed valid from date of issue until operation of this Act, and parts to continue of effect.

II. The Rules made as aforesaid by the Lieutenant-Governor of the North-Western Provinces for the administration of Civil Justice within the said Districts and thereafter extended to the Provinces of Kumaon and Ghurwal as aforesaid, shall be deemed valid for all purposes from the date on which they were issued until this Act shall come into operation. So much of the said Rules as relates to the establishment of Courts of Civil Judicature, and provides for the trial of suits and appeals by Commissioners, Deputy Commissioners of Districts, Assistant Commissioners, Extra Assistant Commissioners, and Tehsildars, together with so much of the said Rules as relates to the periods of appeal from decisions and orders made by such Courts, shall continue to be in force after this Act shall have come into operation.

Proceedings in Civil suits how to be regulated.

III. Except as in this Act is otherwise provided, the proceedings in Civil suits of every description between party and party, brought in the said Courts of Civil Judicature, shall be regulated by the Code of Civil Procedure.

Suits where to be instituted.

IV. Every suit shall be instituted in the Court of the lowest grade competent to try it.

Power of Commissioner as to suits instituted in any subordinate Court.

V. It shall be lawful for the Commissioner to withdraw any suit instituted in any Court subordinate to his Court, and to try such suit himself or to refer it for trial to any other Court subordinate to his authority, and competent in respect of the value of the suit to try the same.

Power of Deputy Commissioner as to suits instituted in Courts subordinate to his Court.

VI. It shall be lawful for the Deputy Commissioner of a District to withdraw any suit instituted in any Court subordinate to his Court, and to try such suit himself or to refer it for trial to any other Court subordinate to his authority, and competent in respect of the value of the suit to try the same.

Trial of suits for land or immoveable property situate within the jurisdiction of different Courts.

VII. If the suit be for land or other immoveable property situate within the local limits of the jurisdiction of different Courts, the suit may be brought in any Court otherwise competent to try it, within the jurisdiction of which any portion of the land or other immoveable property in suit is situate ; but in such case the Court in which the suit is brought shall apply to the Deputy Commissioner of the District if the suit is brought in any Court subordinate to the Deputy Commissioner, or to the Commissioner if the Court in which the suit is brought is the Court of a Deputy Commissioner, for authority to proceed with the same.

Periods of appeal how to be reckoned.

VIII. The periods of regular and special appeal prescribed in the Rules which by Section II of this Act are to continue in force after this Act shall have come into operation, shall be reckoned from and exclusive of the day on which the judgment appealed against was pronounced, and also exclusive of such time as may be requisite for obtaining a copy of the decree from which the appeal is made. Appeals from orders, when such appeals are allowed by the Code of Civil Procedure, shall be presented within the same period as appeals from decrees.

Act XIV of 1859 extended to certain districts and provinces.

IX. Act XIV of 1859 (*to provide for the limitation of suits*) is hereby extended to the said Districts of Jhansie, Jaloun and Lullutpore, and to the said Provinces of Kumaon and Gurhwal, and shall take effect therein from the date on which this Act comes into operation, subject to the provision contained in Section XXIV of the said Act XIV of 1859, as regards pending suits instituted within two years from the date above-mentioned.

Operation of Regulations and Acts may be extended to the same districts &c.

X. It shall be lawful for the Lieutenant-Governor of the North-Western Provinces by notification in the Official Gazette to extend to the said Districts

and Provinces the operation of any Regulation or Act now in force in the Districts under his Government which are subject to the General Regulations, and to declare in whom any authority to be exercised under any Regulation or Act so extended shall be vested.

Administration vested in officers appointed by the Lieutenant-Governor of the North-Western Provinces.

XI. The administration of Civil and Criminal Justice and the superintendence of the settlement and realization of the Public Revenue and of all matters relating to rent within the tract of country in the Dehra Dhoon called Jounsar Bawur, are hereby vested in such Officer or Officers as the Lieutenant-Governor of the North-Western Provinces may for the purpose of tribunals of first instance or of reference and appeal appoint.

Rules for administration.

XII. The Officer or Officers so appointed shall be guided by the Rules made by the Lieutenant-Governor of the North-Western Provinces under the authority of Act XIV of 1861 (*to remove certain tracts of country in the Rohilcund Division from the jurisdiction of the tribunals established under the general Regulations and Acts*), for the guidance of the Officers appointed to administer the tracts of country described in the Schedule annexed to the last mentioned Act. Provided that nothing in this Section or in the said Act XIV of 1861 shall be held to exclude the said tract of country known as Jounsar Bawur, or the tracts of country described in the Schedule annexed to the said Act XIV of 1861, from the operation of the Indian Penal Code.

Proviso.

Validity given to all decisions, &c., prior to the passing of this Act.

XIII. No decision, order, or proceeding of any Court or Officer under any of the said Rules made and extended by the Lieutenant-Governor of the North-Western Provinces as aforesaid, shall be held to be invalid only by reason of such order or decision having been passed or of such proceeding having been held before the passing of this Act.

Operation of Act.

XIV. This Act shall come into operation on the first day of May 1864.

STATEMENT OF OBJECTS AND REASONS.

In the early part of the year 1862 the late Lieutenant-Governor of the North-Western Provinces issued a set of Rules for the administration of Civil justice in the Districts of Jhansie, Jaloun and Lullutpore, which form part of the Territories under the Government of the North-Western Provinces, and for the superintendence of the settlement and realization of the Public Revenue and of matters relating to Rent in the said Districts. The Rules, so issued, in so far as they relate to the administration of Civil justice, were afterwards extended by an order of the Lieutenant-Governor to the Provinces of Kumaon and Gurhwal.

The Lieutenant-Governor seems to have supposed that, because the Districts and Provinces abovementioned are not subject to the general Regulations, he was vested in their administration not only with the powers of the Executive Government, but also with the power of making Laws, any thing in the Indian Council's Act of 1861 notwithstanding. This was obviously a mistake, and the unauthorized issue of the Rules in question having been brought to notice, it is highly desirable that immediate measures should be taken to correct the mistake, not only in order that the Civil administration of the Districts and Provinces to which the Rules apply may be placed on a legal footing, but also to prevent the validity of the decisions and orders passed or proceedings held under the Rules from being called in question solely by reason of the Rules not having been made in the manner provided in the Act of Parliament already referred to. Both these objects will be accomplished by the present Bill.

The Bill proposes to substitute the Code of Civil Procedure with a slight modification and the general law of limitation contained in Act XIV of 1859, in the Districts and Provinces to which the rules issued by the late Lieutenant-Governor extend, for the procedure and limitation prescribed by those Rules, but to give validity to the Rules so far as they relate to other matters.

The Bill declares that "no decision, order, or proceeding of any Court or Officer under any of the said Rules made and extended by the Lieutenant-Governor as aforesaid, shall be held to be invalid only by reason of such order or decision having been passed or of such proceeding having been held before the passing of this Act."

The introduction of the present Bill seems to afford a suitable opportunity for removing doubts which have long existed as to the legal position of another tract of country under the Government of the North-Western Provinces, and for placing the administration of this tract on a proper footing. The tract of country alluded to is situated in the Dehra Dhoon and is called Jounsar Bawur. It is very wild and backward; and, generally, its condition would seem very similar to the tract of country described in the Schedule annexed to Act XIV of 1861 (to remove certain tracts of country in the Rohilcund Division from the jurisdiction of the tribunals established under the general Regulations and Acts). It is now proposed to bring this part of the country under the same system of administration as has been introduced under the authority of the Act above-mentioned in the Pergunnahs to which that Act applies, and to extend to it the Rules now in force in those Pergunnahs.

H. B. HARINGTON.

The 30th March 1864.

C. BOULNOIS,
Offg. Depy. Secy. to the Govt. of India,
Home Dept.

HOME DEPARTMENT.

No. 2237.

Fort William, the 29th March 1864.

Notifications.—The services of Mr. H. T. Prinsep are placed temporarily at the disposal of the Government of Bengal.

No. 2273.

The 30th March 1864.

The services of the Reverend R. Henderson, Chaplain of the Church of Scotland, are placed temporarily at the disposal of the Government of the Punjab.

No. 2333.

The 31st March 1864.

In the Notification issued under date the 14th January last, No. 298, of the appointments of Honorary Aides-de-Camp to His Excellency the Viceroy and Governor General, the name of Lieutenant Colonel W. H. R. Green, C. B., of the Bombay Staff Corps, was accidentally omitted.

Lieutenant Colonel Green's appointment as an Honorary Aide-de-Camp will accordingly have retrospective effect from the 14th January last.

No. 2334.

The following Notice is republished for general information :—

"The Superintendent of the Pearl Fishery having reported, as the result of his recent inspection of the Pearl Banks, that almost all the Oysters have been found to be dead, notice is hereby given, with reference to the advertisement in the Government Gazette of the 12th December 1863, that no Pearl Fishery will take place this year.

COLONIAL SECY.'S OFFICE; *Colombo, 23rd Feby.* 1864. } JAMES SWAN, *Asst. Col. Secy.*"

No. 2335.

The 1st April 1864.

Mr. W. Wynyard, of the Civil Service, embarked for Europe on board the Ship "Nemesis," which vessel was left by the Pilot at sea on the 24th ultimo.

No. 2336.

The undermentioned Specifications of inventions have been filed, under the provisions of Act No. XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces.

A copy of every Specification is open at all reasonable hours at the Office of the Secretary to the Government of India in the Home Department to public inspection upon payment of a fee of one Rupee; and a certified copy of any Specification will be given to any person requiring the same on payment of the expense of copying.

No. 179.—Henry Stanbrough, of the City of Nagpore, Central India Provinces, Gentleman, for "Improvements in the construction of Coke Kilns and the manufacture of Coke."

No. 193.—William Greig, late Merchant at Mussoorie, for "a Horizontal Cotton Screw Press."

No. 194.—William Greig, late Merchant at Mussoorie, for "a Hand Flour Mill with two pair of stones."

No. 2337.

The Governor General in Council is pleased to permit Mr. Octavius Warre Malet to resign the Civil Service from this date.

No. 2373.

The 2nd April 1864.

Notifications.—Mr. Alexander Wood Russell, of the Civil Service, is permitted to proceed to Europe on furlough for a period of two years from the date of embarkation.

No. 2426.

The 4th April 1864.

Mr. H. E. Thompson, Assistant Superintendent of Telegraphs, to officiate temporarily as Superintendent of the Madras Circle.

No. 2428.

Leave of Absence.—Mr. M. K. Man, Superintendent of Telegraphs, Indore Circle, has been granted leave of absence for twelve months, under para. 11 of the new Absentee Rules for the Uncovenanted Service.

No. 2430.

Notification.—Mr. Alexander Elliott Russell, of the Civil Service, is permitted to proceed to Europe on furlough for a period of two years, six months, and eight days, from the date of embarkation.

No. 2464.

Appointment.—The Viceroy and Governor General has been pleased to appoint Captain William Lowndes Rundall, of the (late) 59th Regiment Native Infantry, to be an Aide-de-Camp on the Personal Staff of His Excellency.

No. 2444.

The 5th April 1864.

Appointments.—His Excellency the Governor General in Council is pleased to appoint the undermentioned gentlemen to be Fellows of the University of Calcutta :—

The Hon'ble John Paxton Norman.
The Hon'ble L. S. Jackson.
The Hon'ble Shumbhoo Nath Pundit.
The Hon'ble George Campbell.
Syed Azeemoddeen Hossein Khan Bahadoor.
John McCleland, Esq., M. D.
E. C. Bayley, Esq., C. S.
The Hon'ble A. Eden, C. S.
John Strachey, Esq., C. S.
A. C. Macrae, Esq., M. D.
Hugh Macpherson, Esq.
Baboo Juggodanund Mookerjee Roy Bahadoor.
Thomas Martin, Esq., C. E.
The Rev. E. C. Stuart.
The Rev. W. C. Fyfe.

Captain P. Dods.
Baboo Khettermohun Chatterjee.
Baboo Ramchunder Mitter.
Baboo Peary Chaund Mitter.
Baboo Chunder Coomar Day, M. D.
Baboo Ramanath Nundy, M. A.

No. 2559.

The 8th April 1864.

Leave of Absence.—Captain H. Fraser, District Superintendent of Police in the Central Provinces, has obtained one month's preparatory leave of absence, from the date on which he may avail himself thereof, to visit Calcutta, preparatory to applying for leave to proceed to England on medical certificate.

No. 2571.

Notifications.—The Governor General in Council is pleased to attach Messrs. A. G. Walker, C. A. Roe, T. W. H. Tolbort, and J. Frizelle, of the Civil Service, qualified for the Public Service, to the North-Western Provinces, the Punjab, and Oudh.

No. 2573.

The Governor General in Council is pleased to attach Messrs. F. W. R. Cowley, F. W. V. Peterson, and D. M. Barbour, of the Civil Service, reported qualified for the Public Service, to the Bengal Division of the Presidency of Fort William.

No. 2561.

Leave.—Captain W. J. Morris, District Superintendent of Police in the Central Provinces, has obtained one month's preparatory leave, from the 14th ultimo, to visit Bombay, preparatory to applying for leave to proceed to England on medical certificate.

No. 2575.

The undermentioned Covenanted Civil Servants having produced the necessary medical certificates, have been granted, by the Right Hon'ble the Secretary of State for India, extensions of leave for the period specified, viz :—

Mr. H. S. Mackenzie	...	6 months.
" Hugh Morris	...	6 "
" D. H. Inglis	...	6 "
" W. Macpherson	...	6 "

No. 2576.

Notification.—The Governor General in Council is pleased to extend the provisions of Section XXXIV of Act V of 1861 to the undermentioned Towns within the Central Provinces :—

Districts.	*Towns.*
Nagpoor.	Ramteek and Oomrer.
Bhundara.	Kampta and Sakolee.
Chanda.	Wurrora, Mhool, and Burrumpooree.
Wurda.	Hingunghat and Nachengaon.
Jubbulpoor.	Sehora and Sleemabad.
Nursingpoor.	Gurrurwara and Chaorpatha.
Seonee.	Luknadown and Kuttimgee.
Chindwarra.	Mohgaon.
Mundlah.	Ramgurh.
Saugor.	Rehlie and Khoraee.
Dumoh.	Hutta.
Baitool.	Mooltye.
Hoshungabad.	Hurda and Seonee.
Raepore.	Singah, Droog, & Dhumterry.
Sumbulpore.	Burgurh.
Belaspore.	Moongeylee & Sheoreenarain.
Upper Godavery.	Doomagodium.

J. W. S. WYLIE,
Under Secy. to the Govt. of India.

No. 2580.

The 9th April 1864.

Notification.—Under the provisions of the Act of Parliament 24 and 25 Victoria, Chapter 104, Section 7, the Governor General in Council has been pleased to appoint the Hon'ble John Paxton Norman to officiate as the Chief Justice of the High Court of Judicature at Fort William in Bengal, during the absence of the Hon'ble Sir Barnes Peacock, or until further orders.

No. 2581.

Under the provisions of the Act of Parliament 24 and 25 Victoria, Chapter 104, Section 7, the Governor General in Council has been pleased to appoint Andrew Thomas Turton Peterson, Esquire, Barrister at Law, to officiate, until further orders, as a Judge of the High Court of Judicature at Fort William in Bengal.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

GENERAL.

No. 789.

Fort William, the 29th March 1864.

Captain W. Carnell, District Superintendent of Police at Ajmere, is appointed to officiate as Political Agent at Bhurtpore, during the absence of Lieutenant C. K. M. Walter, on leave to Europe.

No. 791.

Mr. P. A. Walker, Extra Assistant Commissioner of Lucknow, has obtained privilege leave of absence for three months, from such date as he may avail himself of it.

No. 801.

The 30th March 1864.

Assistant Surgeon J. Whishaw, Civil Assistant Surgeon of Fyzabad, in Oudh, has obtained privilege leave of absence for 60 days, from such date as he may avail himself of it.

Wazeer Hosein, Deputy Superintendent of Excise and Stamps, Seetapore, in Oudh, has obtained 20 days' privilege leave of absence from the 3rd proximo, or from such subsequent date as he may avail himself of it.

No. 802.

Mr. T. W. Hunt, Extra Assistant Commissioner, 1st Class, in British Burmah, has obtained privilege leave of absence from the afternoon of the 23rd December last, to the forenoon of the 2nd January 1864.

No. 804.

Third Class Native Doctor Lalla Kalee Churn is appointed to the Civil Station of Kyouk Phyoo, in British Burmah.

No. 808.

His Excellency the Viceroy and Governor General in Council is pleased to appoint Lieutenant A. W. Roberts, of the General List, Cavalry, to officiate as Assistant to the Agent Governor General for the States of Rajpootana, vice Captain H. Phillpotts.

JUDICIAL.

No. 202.

Major T. H. Chamberlain, City Magistrate of Lucknow, is invested with the powers of a Magistrate under Act XXV of 1861.

POLITICAL.

No. 347.

The 31st March 1864.

His Excellency the Viceroy and Governor General of India in Council is pleased to confer the title of "Maha Rajah" upon the Rajah of Vizianagram.

GENERAL.

No. 825.

His Excellency the Viceroy and Governor General in Council is pleased to accept the resignation, by Assistant Surgeon F. Odevaine, of his appointment of Civil Assistant Surgeon of Mundla, in the Central Provinces.

POLITICAL.

No. 360.

The 4th April 1864.

His Excellency the Viceroy and Governor General of India in Council is pleased, under Section I of Act XII of 1864, to publish for general information the following rules to give effect to Act IV of 1863:—

By order of His Excellency the Viceroy and Governor General of India in Council,

C. U. AITCHISON,

Under Secy. to the Govt. of India.

Revised Rules relative to goods imported into Rangoon under Article 4 of the Treaty with Burmese.

I. Goods imported into Rangoon which are liable to an import duty, if intended to be for export by the Irrawaddy river to the Burmese Territory for sale therein, or pass through it for sale in countries beyond, may be placed in Bond liable to the ordinary rules for bonded goods, and when declared to be for export as above mentioned, shall be liable to the duty expressed in Act VI of 1863.

II. When goods are so declared for export, a manifest thereof in the same form as that used for goods arriving by sea, shall be delivered by the owner, Agent, or Consignee, to the Collector of Customs, and if they are in a closed box or package, the Collector of Customs may open the same to compare the contents with the manifest, or may receive such box or package, and stamp or mark the same in such conspicuous and indelible manner as may hereafter be directed, and shall assess the same for duty at one per cent. ad valorem.

III. Should the said goods not be required to be shipped within twenty-four hours after such assessment to be sent up the Irrawaddy, they must remain in charge of the Collector of Customs, who shall direct them to be put into the Bonded Warehouse. Should the owner of such goods not desire that they should be placed in the Bonded Ware-house, although they may be intended to be kept before shipment for more than twenty-four hours, he can retain them in his own charge on paying the full duty to which they would be liable, if not declared to be for export under Rule I.

IV. Goods, once declared for export under Rule I, if afterwards required to be otherwise disposed of, can be so on payment of the full duty to which they would have been liable, if not declared for export under the said Rule.

V. All goods, bonded, shall be liable to the Rules laid down in Act VI of 1863, and other Acts amending the same.

VI. Goods not liable to import duty at Rangoon can pass up the Irrawaddy river into the Burmese Territory without an order, but if intended for export beyond that Territory, may be so declared and be packed up and marked accordingly as provided in Rule II.

VII. No goods shall be shipped to go up the Irrawaddy beyond the British frontier under these Rules, except by an order from the Collector of Customs in form A annexed; such order, written both in English and Burmese, shall be delivered to the owner or person in charge of the goods; one copy shall be given to the Custom House Officer accompanying the goods, and one copy to be sent by the Post to the Collector of Customs or other Officer of Customs at Thayetmyo. A separate shipping order will be required for goods according to the place where they are declared for sale, whether in Burmese Territory or elsewhere beyond it. Any goods shipped or attempted to be shipped without such orders will be liable to be confiscated by the Collector of Customs, and the owner or Consignee, on conviction before a Magistrate, will be liable to pay a fine not exceeding five hundred Rupees for each offence.

VIII. In cases where it may not be considered necessary for a Custom House Officer to accompany goods from Rangoon up the Irrawaddy, the Collector of Customs at Rangoon may allow them to proceed without one, and the Collector of Customs at Thayetmyo, after satisfying himself that goods arriving at the frontier Custom House correspond with the entries in the shipping order A, will also, after having satisfied himself that they have passed the frontier and reached the Burmese frontier Custom House, grant a certificate to that effect. Such certificate must be produced to the Collector of Customs at Rangoon within sixty days after the transit duty on such goods has been paid, and if not so produced, the party to whom the goods belong, or who has shipped them, will be liable to pay the full amount of duty which would have been charged had the goods not been declared for export beyond the British Territory.

IX. Should the Collector of Customs consider any precaution necessary to secure the full amount of duty which may become due under the preceding Rule, he may require security to the full amount of the difference between the transit and

the ordinary import duty; such security to be returned on the production of the certificate from the Collector of Customs, Thayetmyo.

X. The Collector of Customs at Thayetmyo, any other Custom House Officer, or other person authorized by him, or by the Collector of Customs of Rangoon, may, at a period of the transit of the goods up the Irrawaddy river, while in British Territory, open the boxes or packages to ascertain whether they contain the goods as entered, in the shipping order or not. Should the goods not be found as so entered, the owner, Consignee, or other party who have shipped the goods shall be liable to the forfeiture declared in Section XXII of the said Act. And any person who shall, while the goods are in transit, remove or efface a stamp, mark, or seal, affixed by any Officer of Customs to any box or package, or who shall change the outer cover of any box or package so marked, or change the contents or any part thereof, while the goods are in transit, shall be liable to the forfeit declared in Section XXIV of the said Act.

Order for shipping goods declared for export beyond British Territory by the Irrawaddy River.

Date	Nature of Package Box, &c.	Marks.	Size in cubic feet.	Direction or address.	Contents of box or package.	On what vessel shipped, size and description of vessel and boat.	Name of Master of Vessel.	Name and residence of person to whom order declared.	Date when order delivered.	Name of owner or shipper of the goods.	Amount of duty paid in Rangoon.	Goods required for sale where.

Signature of Collector of Customs.

Note.—All Shipping Orders for goods declared for sale in countries beyond Burmah will be printed on blue paper.

JUDICIAL.

No. 209.

The 4th April 1864.

Captain D. W. Wise, Assistant to the Agent, Governor General, in Rajpootana, assumed charge of the office of Assistant General Superintendent of Operations for the suppression of Thuggee and Dacoity in the Rajpootana States on the 7th ultimo.

POLITICAL.

No. 362.

Subject to the approval of Her Majesty's Government, His Excellency the Viceroy and Governor General of India in Council is pleased to recognize Monsieur A. Jacquemin, as Manager of the French Consulate at Calcutta, from the 1st instant, during the temporary absence of Monsieur J. Lombard, Consul General for France.

GENERAL.

No. 839.

The 6th April 1864.

His Excellency the Viceroy and Governor General in Council is pleased to appoint Lieutenant Colonel W. McCulloch to be Political Agent at Munnipore.

No. 843.

Mr. J. G. B. Brockman, late Deputy Collector and Deputy Magistrate, Nimar, and 3rd Class Extra Assistant Commissioner in the Central Provinces, is permitted by His Excellency the Viceroy and Governor General in Council to resign the service of Government.

No. 847.

One month's privilege leave of absence, from the date of his availing himself of the same, has been granted to Major J. J. Hamilton, Assistant Superintendent, 2nd Class, and Officiating Deputy Superintendent of the Shimoga District, in Mysore.

No. 848.

His Excellency the Viceroy and Governor General in Council is pleased to appoint Lieutenant O. Barnes, of the Bombay Staff Corps, to officiate as an Assistant to the Agent, Governor General, in Rajpootana, during the absence of Lieutenant A. N. Bruce on furlough to Europe.

No. 869.

The 8th April 1864.

His Excellency the Viceroy and Governor General in Council is pleased to make the following promotions in the Settlement Department in Oudh:—

Pundit Madho Pershad and Moulvie Ali Hossein, Extra Assistant Commissioners, from the 3rd to the 2nd Grade.

No. 871.

Lieutenant G. E. Erskine, Assistant Commissioner, Baraitch, in Oudh, availed himself, on the 2nd ultimo, of the privilege leave granted him in G. O. No. 396, dated 19th February last.

Mr. E. Bickers, Extra Assistant Commissioner, Fyzabad, in Oudh, availed himself, on the 4th March, of the privilege leave granted him in G. O. No. 433, dated 22nd February last, and returned to his duties on the 21st ultimo.

No. 872.

His Excellency the Viceroy and Governor General in Council is pleased to appoint Captain

H. E. Mottet, of the Madras Staff Corps, to be an Assistant Superintendent of the 2nd Class, in Mysore.

MILITARY.

No. 97.

Lieutenant C. R. Blair, Officiating Adjutant, Erinpoora Irregular Force, is appointed Adjutant, Officiating 2nd in Command, and Squadron Officer of that Force, vice Captain J. P Turton.

C. U. AITCHISON,
Under Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 1840.

Fort William, the 4th April 1864.

Leave.—Baboo Govin Chunder Dutt, 2nd Assistant Accountant General, Bombay, is allowed one month's privilege leave, from the date he may avail himself of the same.

No. 1841.

Notification—Mr. W. Clark resumed charge of the Office of Civil Pay Master, Punjab, from Mr. H. D. Lawrence, on the afternoon of the 23rd March 1864.

No. 1846.

The 8th April 1864.

The Governor General in Council, under the provisions of the 5th Section of Act XIX of 1861, is pleased to constitute the territories administered by the Lieutenant Governor of the North-West Provinces, and the Chief Commissioner of Oudh, a Circle of Issue for the Government Paper Currency, and to appoint Allahabad to be the place of issue of notes for the said Circle.

The notes of the Allahabad Circle will be a legal tender on and after the 1st May next for all payments within the Circle, except at the Office of Issue, and will be received in payment of revenue and of all other claims of the Government within the Circle.

The Deputy Commissioner of Issue will issue notes—

1st—in exchange for the amount thereof in current silver coin of the Government of India, or,

2nd—in exchange for other notes of the Government of India issued within the same Circle.

Notes issued at Allahabad will be payable on demand in current silver coin of the Government of India, at the Office of the Deputy Commissioner of Issue at Allahabad, and at the Office of the Head Commissioner of the Department of Issue at Calcutta.

That portion of the Notification in the Financial Department, dated the 3rd of January 1862, which directed the districts of Ghazeepoor, Mirzapoor, and Benares to be included in the Calcutta Circle of Issue, is cancelled.

No. 1847.

Mr. G. H. M. Ricketts to be Deputy Commissioner of Issue for the Allahabad Circle under Act XIX of 1861.

Mr. A. R. Gordon to be Assistant to the Deputy Commissioner of Issue for the Allahabad Circle.

No. 1848.

FROM

E. H. LUSHINGTON, ESQ.,
Secy. to the Govt. of India,
Finl. Dept.,

To

THE SECY. TO THE GOVT.,
NORTH-WEST PROVINCES.
AND
THE CHIEF COMMR. OF OUDH.

Fort William, 8th April 1864.

SIR,

I am directed to transmit, for your information a copy of a Notification, constituting the territories administered by the Lieutenant Governor of the North-West Provinces, and the Chief Commissioner of Oudh, a Circle for the issue of Government Paper Currency under Act XIX of 1861.

The Collector of Allahabad, for the time being, will be the Deputy Commissioner of Issue for the Circle, in which capacity he will be subordinate to the Head Commissioner of the Department of Issue, as directed by the Act.

An Assistant will be appointed to the Deputy Commissioner for the immediate charge of the executive details of the Office of Issue, under the orders and responsibility of the Deputy Commissioner.

Every facility should be given to Banks and Merchants and others to obtain the notes required by them for the transaction of their business, but no special inducement will be offered in the shape of a pecuniary payment.

It is not the desire of the Government to interfere with the free action of the community in resorting, at their own time, and in their own way, to the use of the Currency Notes; but if any Collector, or officer acting as such, should be of opinion that there is an effective demand in his district for Currency Notes, he will, with the previous sanction of the Local Government, indent upon the Deputy Commissioner of Issue for notes to such amount and of such denominations as may appear to be required, and will, at the same time, forward a Transfer Receipt for the value of the indent, drawn upon the treasury at Allahabad in favour of the Deputy Commissioner of Issue.

For the convenience of travellers, Collectors, or officers acting as such, are authorized to cash or exchange, to a limited extent, any Currency Notes of the Government of India, whether issued from the Allahabad or from any other Circle.

Allahabad notes should not be returned to the Office of Issue by Officers in charge of Treasuries, without the sanction of the Deputy Auditor and Accountant General, except in the case of their being worn out.

The notes of other Circles should be forwarded to the Deputy Commissioner of Issue at Allahabad for adjustment with the Offices of Issue of the respective Circles.

The Head Commissioner of Issue will, in communication with the Deputy Auditor and Accountant General, issue subsidiary instructions for regulating the details of business in the Office of

the Deputy Commissioner of Issue, and for providing for an independent monthly audit and for the verification of the deposits.

I have the honor to be,

SIR,

Your must obedient Servant,

(Sd.) E. H. LUSHINGTON,

Secy. to the Govt. of India.

Ordered, that the above letter be published in the Gazette of India for general information.

E. H. LUSHINGTON,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 31st March 1864.

No. 283 *of* 1864.—The undermentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Captain Henry Fraser, of the 3rd Madras Light Cavalry, District Superintendent of Police, Central Provinces. } For 20 months, under the new Regulations.

Lieutenant Charles Hallyburton Grace, of the Madras Staff Corps, Assistant Commissioner, Central Provinces. } For 20 months.

No. 284 *of* 1864.—The Head Quarters of Her Majesty's 55th Regiment, arrived in the Ship *King Arthur*, is brought on the establishment of the Bengal Presidency from date of landing.

No. 285 *of* 1864.—The following promotions are made in the Warrant Grades to fill existing vacancies :—

Army Commissariat Department.

Sub-Conductor (Officiating Conductor) Joseph Hargreaves, Senior, to be Conductor.

Sergeant and Officiating Sub-Conductor William Alfred Lomas, to be Sub-Conductor.

Sergeant William Threadgold Parker, to be Sub-Conductor.

No. 286 *of* 1864.—The services of Captain H. E. Mollet, of the Madras Staff Corps, are placed at the disposal of the Foreign Department.

No. 287 *of* 1864.—The undermentioned individual of Her Majesty's Service is permitted to reside and draw his pay in India as an Out-Pensioner of Chelsea Hospital, according to the 23rd Clause of the Royal Warrant of the 1st July 1848, pending a reference to the Home Authorities as to the amount of his pension :—

Gunner James Black, A. Battery, 22nd Brigade, Royal Artillery.

No. 288 *of* 1864.—The services of Assistant Surgeon C. Prentis are placed temporarily at the disposal of the Government of the North-Western Provinces.

No. 289 *of* 1864.—Sergeant Hugh Macauley, Draughtsman in the Office of the Inspector General of Ordnance, is promoted to the rank of Sub-Conductor (Supernumerary) in the Ordnance Department.

No. 290 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Major Geo. Edward Holmes, of the Bengal Staff Corps, Assistant Adjutant General } For 20 months.

No. 291 of 1864.—The following alteration of rank is made, subject to Her Majesty's approval :—

Corps.	Rank and Name.	To rank from	In whose room.
Late 9th Native Infantry.	Lieut. Francis Gellie, (Staff Corps.)	6th Nov. 1857.	Lieut. E. C. Rawstorne, struck off the List of the Indian Army.

No. 292 *of* 1864.—The following orders issued by the Resident at Hyderabad, are confirmed :—

No. 15, *dated* 15*th February* 1864.—Granting Captain R. A. Baker, Commandant No. 2 Light Field Horse Battery, Hyderabad Contingent, two months' leave of absence from the 1st March 1864, preparatory to obtaining a furlough to Europe.

No. 18.—Confirming the Station Order issued by the Officer Commanding at Aurungabad, dated the 25th December 1863, directing Lieutenant R. J. McGhee, paid Doing-duty Officer, 4th Infantry, Hyderabad Contingent, to assume charge of the 4th Company Artillery, Hyderabad Contingent, and the Arsenal at the Station as a temporary arrangement, in addition to his own duties, from that date, on Captain Pedler proceeding with the 2nd Infantry, Hyderabad Contingent, to Lingsoogoor.

No. 42, *dated* 15*th March* 1864.—Confirming the Regimental Order issued by the Officer Commanding 3rd Infantry, Hyderabad Contingent, dated 2nd March 1864, directing Lieutenant and Officiating Adjutant Laughton to officiate as Second in Command, and to continue to act as Adjutant, in addition to his other duties, on the departure of Captain Lilly, to join the 2nd Infantry, Hyderabad Contingent.

No. 293 *of* 1864.—The services of Lieutenant E. A. C. Lambert, of the late 1st European Bengal Fusiliers, are placed at the disposal of the Government of the Punjab.

No. 294 *of* 1864.—Mr. D. Antrobus, 2nd Class Sub-Assistant, Topographical Branch of the Survey Department, has reported his return to duty from sick leave to Europe on the 23rd March 1864.

The 1st April 1864.

No. 295 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Major Hugh Lowman Pester, 2nd in Command, and Wing Officer of the 9th Regiment Native Infantry. } For 20 months, under the new Regulations.

No. 296 *of* 1864.—The undermentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Major James Davidson, of the Madras Staff Corps, Officiating Deputy Commissioner, Jhansie.	For 20 months.
Captain Joshua Havelock, of the Bombay Staff Corps, Assistant Commissioner, Punjab.	For 18 months.
Assistant Surgeon John Joseph McDermott, M. D., of the Medical Department.	For 8 months, under the new Regulations.

No. 297 *of* 1864.—Deputy Inspector General of Hospitals John Burnie Dickson, of the Medical Department, (Officiating Inspector General of Hospitals, Lower Provinces,) is permitted to retire from the service on a pension of £ (700) seven hundred per annum, with effect from the 31st March 1864.

This cancels the sick leave to Europe granted to this Officer in Government General Order No. 220 of the 14th ultimo.

No. 298 *of* 1864.—It being found necessary to modify and revise existing rules regarding Regimental Savings Banks, the amounts to be deposited therein, and the rate of interest to be allowed on such deposits, the provisions of Government General Order No. 384 of the 8th June 1863, extending the limit of deposits and raising the rate of interest, are, under instructions from the Right Hon'ble the Secretary of State for India, hereby cancelled, with effect from this date, after which the rules laid down in paragraphs 3 and 4 of Government General Order No. 402 of the 13th April 1860, as regards the amount of deposits and the rate of interest to be allowed thereon, are to be reverted to, pending further orders.

No. 299 *of* 1864.—Conductor James Patterson, of the Army Commissariat Department, having been reported to be unfit for further active service, is transferred to the pension establishment, with permission to reside and draw his stipend in India.

No. 300 *of* 1864.—Captain John MacDougall, of the late 19th Regiment Native Infantry, is permitted to retire from the service on the pension of his rank.

The 2nd April 1864.

No. 301 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Assistant Surgeon John Elliot, M. D., of the Medical Department, Civil Assistant Surgeon of Hooghly.	For 2 years, under the new Regulations.

No. 302 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following appointment under the new organization :—

PUNJAB IRREGULAR FORCE.

2nd Infantry.

Lieutenant A. H. Thomson, of the late 3rd European Regiment, to be Quarter Master.

The 4th April 1864.

No. 303 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe on urgent private affairs :—

Lieutenant James Browne, of the Royal Engineers, Executive Engineer, Kohat Division, Department of Public Works, Punjab ...	For 6 months, without pay, embarking at Bombay.

No. 304 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Major Toovey Archibald Corbett, of the Bengal Staff Corps, Officiating Deputy Commissioner, Jaloun.	For 20 months.

The 5th April 1864.

No. 305 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following promotions in the Medical Department :—

Deputy Inspector General of Hospitals William Abbott Green to be Inspector General of Hospitals, with temporary rank, from the 31st March 1864, vice Dickson, retired, and to be attached to the Lower Provinces.

Surgeon Major James Henry Butler, F. R. C. S., Examiner of Medical Accounts, to be Deputy Inspector General of Hospitals, with temporary rank, from the 31st March 1864, vice Deputy Inspector General of Hospitals W. A. Green.

No. 306 *of* 1864.—The undermentioned individual is admitted to pension, as specified opposite to his name :—

Private Thomas Frederick Barry, of the 1st Infantry Company European Invalid Battalion.	1*s.* 3*d.* (one shilling and three pence) per diem, payable in Europe.

No. 307 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe on urgent private affairs :—

Lieutenant Alfred Frederick Pollock Harcourt, of the late 30th Regiment Native Infantry, Assistant Commissioner, Punjab.	For 6 months, without pay, embarking at Bombay.

No. 308 *of* 1864.—The following promotions are made in the undermentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
14th (The Ferozepore) Regt. N. I.	Jemadar Maun Singh	Subadar	27th Oct. 1863	Mokum Khan, deceased.
Ditto	Ditto Nehal Singh, 1st	Ditto	14th Nov. ,,	Gohur Shah, killed in action.
Ditto	Havildar Lehnah Singh	Jemadar	27th Oct. ,,	Maun Singh, promoted.
Ditto	Ditto Nehal Singh ...	Ditto	19th Nov. ,,	Uttur Singh, killed in action.
2nd Goorkha (The Sirmoor Rifle) Regt.	Jemadar Toolaram ...	Subadar	16th Dec. ,,	Runsoor Lamah, deceased.
Ditto.	Havildar Lall Singh ...	Jemadar	Ditto ...	Toolaram Goorung, promoted.

No. 309 *of* 1864.—The undermentioned Out-Pensioners of the Royal Hospital at Chelsea having been permitted to reside and draw their stipends in India, payment of pensions is to be made and charged accordingly.

	Rate of Pension per diem.
Sergeant Robert Potts, late of Her Majesty's 107th foot.	10*d* (ten pence) for 2½ years, (conditional,) from the date on which he ceases to receive Regimental Pay.
Gunner Owen Connelly, late of the 22nd Brigade, Royal Artillery. Private Bernard McColl, late of Her Majesty's 2nd Battalion, Rifle Brigade. Private James Talbot, late of Her Majesty's 81st Foot. Private James Goshawk, late of Her Majesty's 43rd Foot. Bugler John Hunter, late of Her Majesty's 43rd Foot.	1*s.* (one shilling) each, from the date on which they respectively cease to receive Regimental Pay.

No. 310 *of* 1864.—Under the authority of the Right Hon'ble the Secretary of State for India, it is hereby notified that the Staff salary of the Assistant to the Inspector General of Ordnance and Magazines is fixed at Rupees (500) five hundred per mensem, with effect from the date on which the revised salaries for the Ordnance Department, laid down in Government General Order No. 812 of 31st December 1863, came into operation.

No. 311 *of* 1864.—*Erratum.*—In the Table of Staff Salaries to be allowed to certain Officers and Departments, published in General Order by the Governor General, No. 156 A, dated 13th October last,

For	*Read*
Compiler, Military Accounts Bengal, Rs. 500.	Compiler, Military Accounts, Bengal, Rs. 400.

Order Books to be corrected accordingly.

The 6th April 1864.

No. 312 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following appointment :—

HYDERABAD CONTINGENT.

4th Infantry.

Lieutenant A. Drury, of the late 51st Regiment, Madras Native Infantry, to be a Paid Doing-duty Officer, temporarily, during the period Lieutenant McGhee may officiate as Adjutant of the 2nd Infantry, or until further orders.

The 7th April 1864.

No. 313 *of* 1864.—The undermentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Captain R. B. Dundas, of the late 38th Regiment Native Infantry. Captain R. Y. Chambers, of the Bengal Staff Corps. Captain W. L. Randall, of the late 59th Regiment Native Infantry. Lieutenant E. A. C. Lambert, of the late 1st European Bengal Fusiliers. Surgeon C. M. Smith, M. D., of the Medical Department.	1st April 1864.

No. 314 *of* 1864.—In conformity with Government General Order No. 144 of 1852, the following Statement of Deposits made at the Presidency Pay Office during the month of March 1864, on account of the estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of the Indian Military Forces of Her Majesty, is published for general information. And it is hereby notified that claims to the estates in question, which shall not be preferred to the Presidency Pay Master by Executors and Administrators before the conclusion of twelve months after the date of decease, cannot be attended to in this country, as the money, after that period, will be remitted to, and made payable by, the Secretary of State for India:—

Statement of Deposits made at the Presidency Pay Office, on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of Her Majesty's Indian Military Service, in the month of March 1864.

Date of deposit.	On whose account.	Rank.	Corps.	General Number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling.	Rate of Exchange.
	Commissioned and Warrant Officers.						Rs. A. P.	Rs. A. P.	Rs. A. P.					
10th Mar. 1864	(a) John Brown	Assistant Surgeon	Medical Department	...	13th Nov. 1863	...	990 6 0	...	990 6 0					
21st " "	(b) Joseph Henry Wright	Major	Madras Staff Corps and Executive Engineer, Dacca Divn.	...	21th Aug. "	Testate	6,015 14 6	...	6,015 14 6					
21st " "	Richard Baird Smith, C. B., A. D. C. to the Queen.	Colonel	Bengal Engineer	...	13th Dec. 1861	Ditto	3,151 8 0	...	3,151 8 0					
21st " "	William Henzey Oliver	Lieutenant	Ditto	...	14th Oct. 1859	Ditto	36 5 4	...	36 5 4					
21st " "	(c) Francis Whiting	Captain	Ditto	...	27th June 1857	Ditto	21 5 0	...	21 5 0	21 5 0				
21st " "	Arthur William Garnett	2nd Captain	Ditto	...	1st May 1861	Intestate	3 2 3	...	3 2 3					
21st " "	(d) Hamilton Thomas Gordon	Lieutenant	Ditto	...	14th Feb. 1861	Ditto	2 13 2	...	2 13 2	2 13 2				
22nd " "	T. R. Sadlier	Lieutenant	Doing duty 28th Regt. N. I.	...	Not communicated.	...	444 1 7	...	444 1 7					
30th " "	(e) William Braide	Ensign	Head Master, Bengal Military Normal School.	...	3rd Feb. 1864	Testate	392 12 6	...	392 12 6					
31st " "	(f) Hastings Broughton Impey	Major	70th Regt. N. I., Dy. Commr., Sumbulpoor.	...	Unknown	Intestate	792 1 3	...	792 1 3					
31st " "	(g) Thomas Frederick Ouseley Scott	Captain	Bengal Staff Corps, and 2nd in Command, Madras N. I.	...	2nd Aug. 1862	Ditto	13,095 15 6	...	13,095 15 6					
	Carried over	...	...	...	...	..	24,946 5 1	...	24,946 5 1					

(a) Next of kin, daughter, Catherine; mother, Mrs. Agnes Brown; and a brother, R. Brown.
(b) Widow, Sophia Anastasia Wright, Dacca.
(c) 30th March 1864, paid J. D. Campbel, Executor.
(d) 29th March 1864, paid to Adjutant General.
(e) Legatee, Widow, Eleanor Sophia Braide, Kussowlee.
(f) Two daughters and a son.
(g) Next of kin, mother, Mrs. Julia Scott, Boileauguage, Simla.

Statement of Deposits made at the Presidency Pay Office, on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers, &c.,—continued.

Date of deposit.	On whose account.	Rank.	Corps.	General Number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling.	Rate of Exchange.
							Rs. A. P.	Rs. A. P.	Rs. A. P.					
	Brought forward	...	.....	...	.....	...	24,946 5 1	...	24,946 5 1					
	Non-Commissioned Officers and Soldiers.													
10th Mar. 1864.	(a) John Brown	Sergeant	Commissariat Department	...	17th Aug. 1863	Intestate	63 4 8	...	63 4 8					
10th " "	(b) Henry Abtey	Bazar Sergeant	.....	...	12th July "	Unknown	43 10 6	...	43 10 6					
17th " "	(c) Michael Kennedy	Sergeant	Commissariat Department	...	21st Oct. "	Intestate	64 2 5	...	64 2 5					
19th " "	(d) John Donnegan	Bugler	No. 2 Battery, Bengal Arty.	6663	30th Dec. "	Testate	40 7 0	...	40 7 0					
19th " "	(e) Henry Murray	Gunner	Ditto	10722	18th " "	Intestate	31 5 5	...	31 5 5					
19th " "	(e) Henry Evans Perry	Ditto	Ditto	...	9th " "	Ditto	54 0 3	...	54 0 3					
30th " "	(f) Frederick Sitt	Private	E. I. Regiment	552	12th " "	Ditto	35 6 1	...	35 6 1					
31st " "	George Tuffrey	Sergeant	No. 2 Battery, Bengal Arty.	...	22nd Sep. "	Testate	1 6 0	...	1 6 0					
31st " "	James Hawkins	Gunner	Ditto	...	16th " "	Ditto	0 14 0	...	0 14 0					
						Total ..	25,280 13 5	...	25,280 13 5					

FORT WILLIAM;
PAY OFFICE,
The 31st March 1864.

C. F. M. MUNDY, *Lieut. Colonel,*
Presidency Pay Master.

(a) Next of kin, brother, Gotzman Dantzer, Prussia.
(b) Widow and children.
(c) Widow, Anne Kennedy, Loretto Convent, Intaly, Calcutta; children, William, Joseph, Mary, John, Patrick, Francis, with the mother.
(d) Legatee, mother, Mary Donnegan, Chunar.
(e) Next of kin not known.
(f) Next of kin not known.

No. 315 *of* 1864.—The following extracts from the London Gazettes of the 5th and 16th February last are published for general information :—

INDIA OFFICE,
2nd February 1864.

Her Majesty has been pleased to approve the undermentioned promotions and alterations of rank amongst the Officers of Her Majesty's Indian Military Forces, and of the Bengal Staff Corps :—

BREVET.

Lieutenant Colonel William Frost Nuthall, Bengal Infantry, to be Colonel; Major William Lockyer Merewether, C. B., Bombay Staff Corps, to be Lieutenant Colonel; Captain John Frederick Harman Brown, Madras Infantry, to be Major, vice Lieutenant General R. Blackall, Bengal Infantry, deceased, dated 21st April 1863.

Lieutenant Colonel Albert Fytche, Bengal Staff Corps, to be Colonel; Major Robert Phayre, Bombay Staff Corps, to be Lieutenant Colonel; Captain Charles Fortunatus Grant, Bombay Infantry, to be Major, vice Major General John Anderson Barstow, Bengal Infantry, deceased, dated 10th June 1863.

Major Edward Charles Marston, Bombay Staff Corps, to be Lieutenant Colonel; Captain Linnæus Tripe, Madras Infantry, to be Major, vice General Sir James Lillyman Caldwell, G. C. B., Royal (Madras) Engineers, deceased, dated 29th June 1863.

Alterations of Rank.

Colonel Henry William Blake, Madras Infantry; Lieutenant Colonel Edward William Bondier, Madras Infantry; Major Cecil Nicholls, Madras Infantry, to take rank from 12th March 1863, in succession to Lieutenant General Sir James Outram, Baronet, G. C. B., and K. S. I., Bombay Infantry, deceased.

Colonel Charles Pattenson, Bengal Infantry; Lieutenant Colonel James Edmund Mayne, Madras Staff Corps; Major Martin Boileau Whish, Bengal Infantry, to take rank from the 18th March 1863, in succession to Lieutenant General James Perry, Madras Infantry, deceased.

Colonel Reynell George Taylor, C. B., Bengal Staff Corps; Lieutenant Colonel Frederic John Goldsmid, Madras Staff Corps; Major Robert Gordon, Bombay Infantry, to take rank from 3rd April 1863, in succession to Major General David Forbes, Bombay Infantry, deceased.

Colonel Richard Walter O'Grady, Madras Infantry; Lieutenant Colonel William Adam Anstruther Thomson, Bengal Cavalry; Major Alexander Sutton Osborn Donaldson, Bengal Infantry, to take rank from 6th April 1863, in succession to Lieutenant General Duncan Gordon Scott, Bengal Infantry, deceased.

Colonel Charles Frederick North, Royal (Bombay) Engineers; Lieutenant Colonel John Gustavus Halliday, Madras Infantry; Major Thomas Whittaker Seager, Bengal Infantry, to take rank from the 14th April 1863, in succession to Lieutenant General Thomas Fiddes, Bengal Infantry, deceased.

Colonel Charles Vyvyan Cox, Royal (Bengal) Artillery; Lieutenant Colonel William Henry Rodes Green, C. B., Bombay Staff Corps; Major St. John O'Neill Muter, Bombay Infantry, to take rank from the 17th April 1863, in succession to Lieutenant General William Henry Hewitt, Bengal Infantry, deceased.

BENGAL STAFF CORPS.

ADMISSIONS.

To be Captain.

Captain Erskine Grant Langmore, of the late 27th Native Infantry, dated 23rd November 1856.

To be Lieutenant.

Lieutenant Gerard Noel Money, of the late 1st European Fusiliers, dated 5th March 1856.

PROMOTIONS.

To be Majors.

Captain Erskine Grant Langmore, dated 28th July 1863.

Captain Spencer Charles Dudley Ryder, dated 13th November 1863.

Captain Charles Frederick Smith, dated 22nd November 1863.

To be Captain.

Lieutenant John Paton Davidson, dated 20th October 1863.

BENGAL ARMY.

Medical Officers.

Assistant Surgeon Frederick Corbyn, M. D., to be Surgeon, vice Tytler, deceased, dated 25th May 1863.

Assistant Surgeon Charles Lowdell to be Surgeon, vice Balfour, deceased, dated 28th May 1863.

Assistant Surgeon John Hooper to be Surgeon, vice Diaper, deceased, dated 28th July 1863.

Assistant Surgeon David Young, M. D., F. R. C. S. E., to be Surgeon, in succession to Faithfull, deceased, dated 10th September 1863.

Assistant Surgeon (Brevet Surgeon) Joseph Fayrer, M. D., M. R. C. P. L., F. R. C. S., to be Surgeon, in succession to Webb, deceased, dated 16th September 1863.

WAR OFFICE, PALL MALL.
16th February 1864.

BREVET.

The undermentioned Officer having completed the qualifying service in the rank of Lieutenant Colonel, under the provisions of the Royal Warrant of the 14th October 1858, to be Colonel :—

Lieutenant Colonel David Reid, Royal Artillery, dated 23rd December 1863.

No. 316 *of* 1864.—The undermentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Captain (Brevet Major) John Bulkeley Thelwall, C. B., of the Bengal Staff Corps, Commandant, 21st (Punjab) Regiment Native Infantry.	For 20 months.
Surgeon Major John Macpherson, M. D., FEL. U. C., of the Medical Department, Presidency Surgeon.	For 20 months, under the new Regulations.
Assistant Surgeon Robert Fryer, of the Medical Department, Officiating Civil Assistant Surgeon, Bancoorah.	For 20 months, under the new Regulations.

The 8th April 1864.

No. 317 *of* 1864.—The following rules on the subject of the provision of passages for Officers proceeding on duty, or on leave on medical certificate to or from Stations beyond sea, are established for adoption at the three Presidencies:—

2. A free passage will be provided for all Officers who may be required to proceed by sea on any duty from Port to Port in India, or to or from any Stations beyond sea, and also for Officers who may require to proceed by sea on medical certificate from any Stations beyond sea at which they may be quartered and employed, and back to their Station on return from such leave.

3. These Officers will be subject to deductions by the Pay Department on account of Table Money at the prescribed rates.

4. To Officers who may proceed to Stations beyond sea in consequence of transfer at their own request to other Regiments or appointments, or owing to removal, under any circumstances, to other appointments in which they will receive enhanced allowances, passages may also be granted; but in these cases, the full charge for Table Money, viz., (8) eight Rupees per diem, will be recovered by the Pay Department.

Government General Order No. 443, dated 16th July 1852.

5. Passages under these Rules will always be provided in Steamers when practicable.

6. Officers furnished with passages on vessels belonging to, or hired by, the Government, may take their families with them, provided that accommodation not required for the public service can be afforded.

7. No charge will be made for such accommodation, but Officers will be required to defray all charges for the messing of their families.

8. In all other vessels, Officers will be required to make their own arrangements for the accommodation as well as the messing of their families.

No. 318 *of* 1864.—Captain Frederick Augustus Sage, of the late 11th Regiment Native Infantry, is permitted to retire from the service on the pension of his rank with effect from the 31st ultimo.

No. 319 of 1864.—Lieutenant G. MacCall, of the General List, Infantry, is allowed leave of absence from the 15th instant to the 15th October next, to visit the Neilgherry Hills on private affairs, under the new Regulations.

No. 320 *of* 1864.—Under the authority of the Right Hon'ble the Secretary of State for India, the undermentioned individual is admitted to pension as a special case, as specified opposite to his name:—

Gunner Edward West, of No. 2 Battery, Bengal Artillery.	1*s.* (one shilling) per diem, payable in Europe.

H. W. NORMAN, *Colonel,*
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 88.

Fort William, the 30th March 1864.

Transfer.—Notification No. 57, dated 25th February 1864, transferring Corporal C. Lindsay, Probationary Assistant Overseer, from the North-Western Provinces to Bengal, is cancelled, and Assistant-Overseer Sergeant T. Green is so transferred in his place.

No. 89.

The 1st April 1864.

Notification.—The appointment of Mr. W. McCracken as Assistant Accountant, 3rd Class, published in Notification No. 108, dated 6th October 1863, is ante-dated to 1st April 1863.

No. 90.

Appointments.—Lieutenant Colonel C. H. Dickens, R. A., is re-appointed to the Public Works Department as 2nd Class Chief Engineer, and posted to the Central Provinces.

No. 91.

Mr. W. Smith, Executive Engineer, 1st Class, Presidency Division, is appointed to officiate as Superintending Engineer, South-Eastern Circle, Bengal, during the absence of Mr. H. Leonard. Mr. Smith assumed charge on the 7th March 1864, before noon.

No. 92.

The 2nd April 1864.

Transfers.—Major A. Allen, Executive Engineer, 1st Class, is transferred from the North-Western Provinces to the Central Provinces, and posted to the Upper Godavery Works.

No. 93.

Captain A. Francis, Special Assistant Engineer, is transferred from Hyderabad to the Rajpootana and Central India Circle, for employment on the Mhow and Nuseerabad Road. This cancels the Order No. 56, dated 24th February 1864, transferring him to British Burmah.

No. 94.

Major G. T. Hilliard, Executive Engineer, 3rd Class, is transferred from the Straits Settlements to British Burmah.

No. 95.

Posting.—Mr. J. Bennett, Special Assistant Engineer, Singapoor, is posted to Penang, in place of Major G. T. Hilliard.

No. 96.

Leave of Absence.—Leave of absence to Europe for 6 months, on private affairs, is granted to Mr. J. W. Inglis, Assistant Engineer, Lucknow Division, from such date as he may avail himself of it.

No. 97.

Transfer.—Assistant Overseer Private W. Delahay, attached to the Thayet Myo Division, is transferred from British Burmah to Bengal.

No. 98.

The 5th April 1864.

Notification.—The services of Lieutenant G. R. Gibbs, Assistant Engineer, 2nd Class, Peshawur Division, are replaced at the disposal of the Military Department, with effect from the 22nd February 1864.

No. 99.

The 6th April 1864.

Resignation.—Mr. B. Schmidt, Executive Engineer, 1st Class, Upper Godavery Works, is permitted to resign his appointment in the Public Works Department, with effect from the 5th April 1864.

No. 100.

The 8th April 1864.

Notification.—The Governor General in Council having determined to constitute a department of Account to deal with the whole of the Accounts of the Public Works Department throughout India, it is notified for information that the appointment of Inspector General of Public Works Accounts in this Department is abolished, and that the new department of Account will be formed under an Officer to be designated Accountant General to the Public Works Department, who will be assisted by an Assistant Accountant General, and such Office establishment as shall hereafter be determined.

Consequent on the above resolution, the following appointments are made, with effect from 1st May 1864:—

Major G. Chesney, Inspector General of Public Works Accounts and ex-officio Under Secretary to the Government of India, to be Accountant General to the Public Works Department.

Mr. G. W. Kellner, lately Assistant Secretary in the Military Finance Department, to be Assistant Accountant General to the Public Works Department, with the departmental standing of a First Class Controller and Examiner.

Mr. J. Hopkins, Assistant to the Inspector General, Public Works Accounts, to be Second Assistant Accountant General to the Public Works Department, with the departmental standing of a Second Class Deputy Controller and Examiner.

No. 101.

Transfers.—Mr. W. Palmer, Accountant, Third Class, North-Western Provinces, and Mr. W. R. Newman, Assistant Accountant, First Class, Central Provinces, at present temporarily attached to the Office of the Secretary to the Government of India in this Department, are transferred to the Accountant General's Office, with effect from the 1st May 1864. Mr. W. R. Newman is promoted to the grade of Accountant, Third Class, with effect from the same date.

R. STRACHEY, *Colonel*, R. E.

Secy. to the Govt. of India.

Quarterly Report for the quarter ending 31st December 1863.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, Bengali, and Sanskrit, held in October 1863.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
1	Tupp	N. W. P.	29th Nov. 1862	8th Dec. 1862	Passed on the 1st instant. Qualified for the Public Service, having passed in Hindi on 1st April 1863.
2	Graves ...	Ditto ...	11th Dec. 1862	17th Dec. 1862	Passed in Hindi on 1st May 1863.
3	Steel	Ditto ...	10th Nov. 1862	14th Nov. 1862	Ditto Ditto.
4	Barrie ...	Ditto ...	14th Feb. 1863	23rd Feb. 1863	Ditto Ditto.
5	McMinn ...	Ditto ...	21st Jan. 1863	23rd Jan. 1863	Passed in Hindi on 1st June 1863.
6	Lister... ...	Ditto ...	11th Dec. 1862	17th Dec. 1862	Leave on Medical Certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

1	Rawlins ...	N. W. P.	11th Jan. 1863	19th Jan. 1863	Passed for a Certificate of High Proficiency in Hindi on 1st September 1863, having passed in Hindi on 2nd March 1863, and Persian on 1st June 1863. Qualified for the Public Service. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors.

HINDI.

1	Donovan ...	N. W. P.	11th Jan. 1863	19th Jan. 1863	Passed for a Certificate of High Proficiency on the 1st instant, having passed in Persian on 1st August 1863, and Hindi on 1st April 1863. Qualified for the Public Service. Studying for High Proficiency in Persian language.

BENGALI.

1	Rees	B. ...	11th Jan. 1863	19th Jan. 1863	Passed on the 1st instant. Qualified for the Public Service, having passed in Urdu on 1st April 1863.
2	McLaughlin ...	B. ...	21st Jan. 1863	23rd Jan. 1863	Passed in Urdu on 1st June 1863.
3	Ferrar ...	B. ...	Ditto ...	Ditto ...	Passed in Urdu on 1st July 1863.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

BENGALI,—*continued.*

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
4	Yardley ...	B. ...	29th Nov. 1862	8th Dec. 1862	Passed in Urdu on 1st June 1863. Qualified for the Public Service, having passed in Bengali on 1st April 1863. Studying for Honors.
5	Gribble	B. ...	22nd Dec. 1862	2nd Jan. 1863	Passed in Urdu on 1st July 1863. Qualified for the Public Service, having passed in Bengali on 1st May 1863. Studying for Honors.
6	Newbery ...	B ...	31st Oct. 1861	4th Nov. 1861	Leave on Medical Certificate to Europe. Passed in Urdu on 2nd July 1862.

SANSKRIT.

1	Hunter ...	B. ...	10th Nov. 1862	14th Nov. 1862	Passed for a Certificate of High Proficiency on 1st August 1863, having passed in Bengali on 1st April 1863 and Urdu on 2nd January 1863. Qualified for the Public Service. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for High Proficiency in Sanskrit language.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, Bengali, and Sanskrit, held in November 1863.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
1	Graves ...	N. W. P.	11th Dec. 1862	17th Dec. 1862	Passed on the 9th instant. Qualified for the Public Service, having passed in Hindi on 1st May 1863.
2	Steel ...	Ditto ...	10th Nov. 1862	14th Nov. 1862	Ditto Ditto.
3	Barrie ...	Ditto ...	14th Feb. 1863	23rd Feb. 1863	Passed in Hindi on 1st May 1863.
4	McMinn ..	Ditto ...	21st Jan. 1863	23rd Jan. 1863	Passed in Hindi on 1st June 1863.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

PERSIAN,—*continued.*

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
5	Donovan ...	N. W. P.	11th Jan. 1863	19th Jan. 1863	Passed for a Certificate of High Proficiency in Hindi on 1st October 1863, having passed in Persian on 1st August 1863 and Hindi on 1st April 1863. Qualified for the Public Service. Studying for Honors.
6	Lister ...	Ditto ...	11th Dec. 1862	17th Dec. 1862	Leave on Medical Certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

1	Kinsey ...	B. ...	10th Oct. 1863	15th Oct. 1863	Not passed in any language.
2	Rawlins ...	N. W. P.	11th Jan. 1863	19th Jan. 1863	Passed for a Certificate of High Proficiency in Hindi on 1st September 1863, having passed in Hindi on 2nd March 1863 and Persian on 1st June 1863. Qualified for the Public Service. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors.

HINDI.

1	Walker ...	N. W. P.	10th Oct. 1863	15th Oct. 1863	Passed on the 9th instant. Has to pass in a second language.

BENGALI.

1	McLaughlin ...	B. ...	21st Jan. 1863	23rd Jan. 1863	Passed in Urdu on 1st June 1863.
2	Ferrar ...	B. ...	Ditto ...	Ditto ...	Passed in Urdu on 1st July 1863.
3	Yardley ...	B. ...	29th Nov. 1862	8th Dec. 1862	Passed in Urdu on 1st June 1863. Qualified for the Public Service, having passed in Bengali on 1st April 1863. Studying for Honors.
4	Gribble ...	B. ...	22nd Dec. 1862	2nd Jan. 1863	Passed in Urdu on 1st July 1863. Qualified for the Public Service, having passed in Bengali on 1st May 1863. Studying for Honors.
5	Newbery ...	B. ...	31st Oct. 1861	4th Nov. 1861	Leave on Medical Certificate to Europe. Passed in Urdu on 2nd July 1862.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

SANSKRIT.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	Remarks.
1	Hunter ...	B. ...	10th Nov. 1862	14th Nov. 1862	Passed for a Certificate of High Proficiency on 1st August 1863, having passed in Bengali on 1st April 1863, and Urdu on 2nd January 1863. Qualified for the Public Service. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for High Proficiency in Sanskrit language.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, Bengali, and Sanskrit, held in December 1863.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	Remarks.
1	McMinn ...	N. W. P.	21st Jan. 1863	23rd Jan. 1863	Passed in Hindi on 1st June 1863.
2	Barrie ...	Ditto ...	14th Feb. 1863	23rd Feb. 1863	Passed on the 1st instant. Qualified for the Public Service, having passed in Hindi on 1st May 1863.
3	Walker ...	Ditto ...	10th Oct. 1863	15th Oct. 1863	Passed in Hindi on 9th November 1863.
4	Kennedy ...	Ditto ...	14th Nov. 1863	17th Nov. 1863	Not passed in any language.
5	Jardine ...	Ditto ...	Ditto ...	Ditto ...	Ditto Ditto.
6	Donovan ...	Ditto ...	11th Jan. 1863	19th Jan. 1863	Passed for a Certificate of High Proficiency in Hindi on 1st October 1863, having passed in Persian on 1st August 1863, and Hindi on 1st April 1863. Qualified for the Public Service. Studying for Honors.
7	Lister ...	Ditto ...	11th Dec. 1862	17th Dec. 1862	Leave on Medical Certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

1	Kinsey ...	B. ...	10th Oct. 1863	15th Oct. 1863	Absent by mistake. Not passed in any language.
2	Magrath ...	B. ...	14th Nov. 1863	17th Nov. 1863	Not passed in any language.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

URDU,—*continued.*

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
3	Testro ...	B. ...	14th Nov. 1863	17th Nov. 1863	Not passed in any language.
4	Hurley ...	B. ...	Ditto ...	Ditto ...	Ditto Ditto.
5	McWilliam ...	B. ...	22nd Nov. 1863	26th Nov. 1863	Ditto Ditto.
6	Souttar ...	B. ...	14th Nov. 1863	17th Nov. 1863	Ditto Ditto.
7	Beadon ...	B. ...	Ditto ...	Ditto ...	Ditto Ditto.
8	Rawlins ...	N. W. P.	11th Jan. 1863	19th Jan. 1863	Passed for a Certificate of High Proficiency in Hindi on 1st September 1863, having passed in Hindi on 2nd March 1863, and Persian on 1st June 1863. Qualified for the Public Service. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors.

HINDI.

1	Church ...	N. W. P.	30th Oct. 1863	9th Nov. 1863	Passed on the 1st instant. Has to pass in a second language.
2	Boys ...	Ditto ...	Ditto ...	Ditto ...	Not passed in any language.
3	Roberts ...	Ditto ...	14th Nov. 1863	17th Nov. 1863	Ditto Ditto.
4	Moule ...	Ditto ...	Ditto ...	Ditto ...	Ditto Ditto.
5	Roe ...	Ditto ...	22nd Nov. 1863	26th Nov. 1863	Ditto Ditto.
6	Ogilvie ...	Ditto ...	Ditto ...	Ditto ...	Ditto Ditto.
7	Crosthwaite ...	Ditto ...	30th Oct. 1863	9th Nov. 1863	Studying at Budaon. Not passed in any language.

BENGALI.

1	McLaughlin ...	B. ...	21st Jan. 1863	23rd Jan. 1863	Passed in Urdu on 1st June 1863.
2	Ferrar ...	B. ...	Ditto ...	Ditto ...	Passed in Urdu on 1st July 1863.
3	Yardley ...	B. ...	29th Nov. 1862	8th Dec. 1862	Passed for a Certificate of High Proficiency on the 1st instant, having passed in Urdu on 1st June 1863, and Bengali on 1st April 1863. Qualified for the Public Service.
4	Gribble ...	B. ...	22nd Dec. 1862	2nd Jan. 1863	Passed for a Certificate of High Proficiency on the 1st instant, having passed in Urdu on 1st July 1863, and Bengali on 1st May 1863. Qualified for the Public Service. Studying for Honors in Urdu language.

Report on the Examination of the Junior Unpassed Civil Servants,—concluded.

BENGALI,—*continued.*

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
5	Newbery ...	B. ...	31st Oct. 1861	4th Nov. 1861	Returned from Europe. Passed in Urdu on 2nd July 1862.

SANSKRIT.

1	Hunter ...	B. ...	10th Nov. 1862	14th Nov. 1862	Passed for a Certificate of High Proficiency on 1st August 1863, having passed in Bengali on 1st April 1863, and Urdu on 2nd January 1863. Qualified for the Public Service. Gained a donation of Rs. 800 for passing in two languages in four months. Discontinued his studies for Honors.

By Order of the Board of Examiners,

W. N. LEES,
Secy. to the Board of Examiners.

DATED FORT WILLIAM,
The 9th March 1864.

By Order of His Excellency the Governor General in Council,

E. C. BAYLEY,
Secy. to the Govt. of India.

FORT WILLIAM, HOME DEPT.,
The 31st March 1864.

ADVERTISEMENTS.

DELHI RAILWAY.

To CONTRACTORS.

Tenders will be received by the undersigned up to the 30th April next for the construction of the Railway embankment, the brickwork in Bridges and Culverts, and the supply of Ballast, the latter to be of broken bricks, stone, or good clean kunkur, for a length of 58 miles of the line, commencing at the 90th mile from Umballa and terminating at the junction with the East Indian Railway at Ghazeeabad near the River Hindun.

The Company does not bind itself to accept the lowest or any tender, and the usual security for the proper fulfilment of the contract will be required.

Specifications and other information may be obtained on application to the Company's Chief Engineer in Lahore.

AGENT'S OFFICE,
Lahore, 17th March 1864.

RICHD. W. STEVENS,
Agent.

NOTICE.

Mr. John Christian is authorized to sign our Firm per procuration.

MONGHYR,
6th April 1864.

H. DEAR & Co.

The Darjeeling Transit and Hotel Company "Limited."

Mr. J. Colthurst has been appointed Secretary and Manager of the above Company.

By Order of the Directors,

J. COLTHURST,
Secretary and Manager.

5th April 1864.

Just Published,

SELECTIONS

FROM

CALCUTTA GAZETTES

OF THE YEARS

1784, 1785, 1786, 1787, and 1788,

SHOWING THE POLITICAL AND SOCIAL CONDITION OF THE ENGLISH IN INDIA

EIGHTY YEARS AGO.

BY W. S. SETON-KARR, C. S.,

PRESIDENT OF THE RECORD COMMISSION.

Price with Map, 3 Rs. per copy.

Apply to O. T. CUTTER,
Military Orphan Press.

THE FINANCIAL STATEMENT

Delivered by the Hon'ble Sir Charles Trevelyan, K. C. B., on the 7th instant, for sale at the Military Orphan Press. Price 8 annas per copy.

9th April 1864.

BANK OF BENGAL.

Notification.—It is hereby notified that as the present Capital of the Bank is insufficient to meet its requirements, in consequence of the increase of business, principally arising from the establishment of Branches subordinate to the Bank in various parts of the Bengal Presidency, the Directors have determined, under the authority vested in them by Section 6, Act IV of 1862, to increase the Capital from one crore, nine lakhs, ninety thousand, nine hundred and nine Rupees, to two crores and twenty lakhs, by the issue of new Shares or consolidated Stock, under the following conditions :—

1*st.*—Holders of old Shares will be entitled to claim new Shares at par, in the proportion of one Share for every Share of which they may be registered as Proprietors in the Books of the Bank. Registered Proprietors of consolidated Stock will, in like manner, be entitled to an equivalent amount of new Stock at par.

2*nd.*—Holders of Shares or Stock, whether in India or elsewhere, shall be allowed, to the 15th day of August 1864, to claim the new issue. All Shares or Stock not claimed by the said date shall be at the disposal of the Directors, who shall cause the same to be sold for the benefit of the Bank, in such manner and at such times as they may deem expedient.

3*rd.*—Payments in one sum of the amount of Subscription on any whole, half, or quarter Share or Stock, to which any Proprietor may be entitled under this Notification, may be made at any time after the publication thereof. On all such payments prior to the 30th June next, interest will be allowed, at the rate of 8 per cent. per annum, from date of payment to the 30th June ; and the Shares or Stock so paid up shall, thenceforward, be entitled to dividend. On all payments made subsequent to the 30th June, interest will similarly be allowed (at the rate of 8 per cent.) until the 31st December following, from which date the Shares or Stock so paid up shall, in like manner, become entitled to dividend.

4*th.*—The Transfer Books will be closed from the 16th to the 31st of August 1864, inclusive. All Shares or Stock previously subscribed for, but on which the full amount of Capital shall not be paid by the last mentioned date, will lapse to the Bank and will be at the disposal of the Directors, as provided in Clause 2.

By Order of the Directors,

C. N. COOKE,

Offg. Secretary and Treasurer.

12*th March* 1864.

LOST.

Half of Government Currency Notes No. 26331 for twenty Rupees, and No. 38327 for ten Rupees.

BANK OF BENGAL.

Notice is hereby given, that Monday the 11th instant will be observed as a close Holiday at the Bank of Bengal and General Treasury, on account of the Hindoo Festival "Choyit Sungkranti."

By order of the Directors,

C. N. COOKE,

Offg. Secretary and Treasurer.

CALCUTTA,
7*th April* 1864.

FOR SALE,

At the Office of the Gazette of India.

A COLLECTION of TREATIES, ENGAGEMENTS and SUNNUDS, relating to India and neighbouring countries, compiled by C. U. Aitchison, B. C. S., Under Secretary to the Government of India in the Foreign Department.

VOLUME I.—Containing the Treaties, &c., relating to Bengal, Burmah, and the Eastern Archipelago. Super royal, 8vo. pp. 372, with three Maps.

VOLUME II.—Containing the Treaties, &c., relating to the North-Western Provinces, Oudh, Nepal, the Punjab, and the States on the Punjab Frontier. Super royal 8vo. pp. 456, with two Maps.

VOLUME III.—Containing the Treaties, &c., relating to the Peishwa, Nagpoor, and Bundlecund. Super royal 8vo. pp. 588.

VOLUME V.—Containing Treaties, &c., relating to Hyderabad, Mysore, and Coorg, the Madras Presidency, and Ceylon.

In the Press, and will soon be published—

VOLUME IV.—Containing Treaties, &c., relating to the States in Rajpootana, Central India, and Malwa.

Price, Five Rupees per volume.

BENGAL ARMY LIST.

The *Bengal Official Quarterly Army List*, corrected in the Office of the Adjutant General, up to the 1st of January 1864.

There has been added to this number a non-official Supplement, containing—

A Table of Staff Appointments and Allowances.

The Civil Service List.

The Rules of the Military and Military Orphan Funds.

An Alphabetical List of War Services of Officers of Her Majesty's British and Indian Troops.

Thus making the Bengal Army List the cheapest and most valuable work of its kind, and a necessary volume for every Library and Counting House.

Price 5 Rs. in advance, and 8 annas extra when sent by post. Apply to

CALCUTTA,
6, *Bankshall Street,*
17*th February* 1863.

O. T. CUTTER,
Publisher of the Bengal Official Army List.

List of the following Deposits in the Government Savings' Bank, which have remained unclaimed for more than 15 years, is published for general information.

Bank Account No.	Name and Address.	Date of opening the Account.	Date of last Deposit.	Date of last Withdrawal.	Date of demise if dead.	Balance.
						Rs. A. P.
2081	G. Baillie, Esq., Trustee of the marriage settlement of Capt. and Mrs. T. R. McQueen	18th June 1836	13th Apl. 1847	6th Feb. 1844	Not known.	644 14 4
4312	H. J. Leighton, Esq., Secy., Tontine of India Account Current of Carthire Mitchell ...	2nd Aug. 1839	...	...		134 8 7
4313	Ditto ditto ditto Maria Erskine Gordon ...	2nd „ „	20th Apl. 1847	6th Aug. 1839		535 10 3
4314	Ditto ditto ditto Surgeon George Meikle ...	2nd „ „	...	...		538 13 4
4315	Ditto ditto ditto Henry Charles ...	2nd „ „	...	...		538 13 4
4316	Ditto ditto ditto Sarah Elizabeth Seymour ...	2nd „ „	24th Apl. 1848	6th Aug. 1839		694 7 8
4318	Ditto ditto ditto Lieutenant George Munro Arthur ...	2nd „ „	...	...		538 13 4
4319	Ditto ditto ditto „ Colonel D. Mackay ...	2nd „ „	17th Apl. 1847	6th Aug. 1839		533 0 9
4321	Ditto ditto ditto „ W. Nixon ...	2nd „ „	...	...		538 13 4
4322	Ditto ditto ditto Enos Saville ...	2nd „ „	...	...		134 8 7
4323	Ditto ditto ditto Lieutenant J. B. Tinton ...	2nd „ „	...	...		538 13 4
4324	Ditto ditto ditto Ramnarain Ghose ...	2nd „ „	...	...		538 13 4
4326	Ditto ditto ditto Lieutenant H. A. Newton ...	2nd „ „	6th Oct. 1847	6th Aug. 1839		124 0 7
4327	Ditto ditto ditto Mary Peter ...	2nd „ „	...	...		134 8 7
4328	Ditto ditto ditto Captain G. Maxwell ...	2nd „ „	...	..		538 13 4
4329	Ditto ditto ditto Margaret Agnew ...	2nd „ „	...	..		538 13 4
4831	Ditto ditto ditto Ensign F. W. Todd ...	2nd „ „	...	...		134 8 7
					Total ...	7,380 14 7

ACCOUNTANT GENERAL'S OFFICE,
TREASURY DEPARTMENT,
The 19th February 1864.

R. P. HARRISON,
Accountant General to the Government of India.

POSTAL NOTICE.

The Public are informed that an arrangement has been made with the London Post Office for sending patterns of merchandize by Post between India and the United Kingdom, under the Rules and at the rates of Postage indicated below. The arrangement will commence, as regards despatches from India, from the 1st May next. Intimation has been received from the London Post Office that the arrangement will commence, as regards despatches thence, from the 1st April.

1. The Patterns must not be of intrinsic value. This rule excludes all articles of a saleable nature, and whatever may have a value of its own apart from its mere use as a pattern. The quality of any material sent ostensibly as a pattern must not be so great that it could fairly be considered as having on this ground an intrinsic value.

2. The Patterns must not bear any writing other than the address of the persons for whom they are intended, a manufacturer's or trade mark, numbers, and the prices of the articles: nor must they contain any letter closed or open, or any enclosure sealed or otherwise closed against inspection.

3. The Patterns must be sent in covers open at the ends, so as to be easy of examination. Samples, however, of seeds, drugs, and so forth, which cannot be sent in open covers, may be enclosed in bags of linen or other material, but closed bags, although transparent, must not be used for this purpose.

4. The Rule which forbids the transmission through the Post of any explosive or dangerous substance, will of course be applicable to patterns, and no article likely to injure the contents of the mail bags is to be sent.

5. No Pattern Packet can be received if it exceeds two feet in length, width, or depth, or 3 lbs. in weight.

6. The Inland Transit of Pattern Packets will be by Banghy Post.

7. The following Postage Rates (prepaid by a Stamp or Stamps) will be charged on Pattern Packets sent under these Regulations by Post to the United Kingdom. The rates being consolidated rates, no Inland Postage is leviable in addition.

To	Routes.	Pattern Packets.																										
		1			2			3			4			5			6			7		
		Not exceeding 4 ozs.			Exceeding 4 ozs. and not exceeding 8 ozs.			Exceeding 8 ozs. and not exceeding 1 lb.			Exceeding 1 lb. and not exceeding 1½ lbs.			Exceeding 1½ lbs. and not exceeding 2 lbs.			Exceeding 2 lbs. and not exceeding 2½ lbs.			Exceeding 2½ lbs. and not exceeding 3 lbs.		
		Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
The United Kingdom.	Southampton ...	0	3	0	0	5	6	0	11	0	1	0	0	1	5	6	1	11	0	2	0	0
	Marsellies ...	0	4	0	0	8	0	1	0	0	1	8	0	2	0	0	2	8	0	3	0	0

8. If the packets be *prepaid with a single rate of postage*, (as given in column 1 of the above Table,) the full rate chargeable being more, they will be forwarded charged with the deficient Postage together with an additional single rate.

9. If the packets be *prepaid with less than a single rate of postage*, they will be forwarded charged with double postage less the amount actually paid.

10. If the packets be *wholly unpaid*, they will be forwarded charged with double postage.

A. M. MONTEATH,

In charge of the Office of Dir. Genl. of the Post Office of India.

CALCUTTA,
22nd March 1864.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 13.

SUPPLEMENT TO

The Gazette of India.

SATURDAY, APRIL 9, 1864.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., C. 67.

The Council met at Government House on Wednesday, the 30th March 1864.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honor the Lieutenant-Governor of Bengal.
Major General the Hon'ble Sir R. Napier, K. C. B.
The Hon'ble H. B. Harington.
The Hon'ble H. Sumner Maine.
The Hon'ble Sir C. E. Trevelyan, K. C. B.
The Hon'ble W. Grey.
The Hon'ble R. S. Ellis, C. B.
The Hon'ble A. A. Roberts, C. B.
The Hon'ble H. L. Anderson.
The Hon'ble C. H. Brown.
The Hon'ble J. N. Bullen.
The Hon'ble Rajah Sahib Dyal Bahadoor.

SMALL CAUSE COURTS (PRESIDENCY TOWNS) BILL.

The Hon'ble MR. MAINE, in moving that the Report of the Select Committee on the Bill to extend the jurisdiction of the Courts of Small Causes in the Towns of Calcutta, Madras, and Bombay, and to provide for the appointment of an increased number of Judges of those Courts, be taken into consideration, said that, as a paper signed by one of the Judges of the High Court of Bengal had been circulated in connection with this Bill, he was extremely desirous of relieving himself from any imputation of disrespect to the High Court in having submitted to the Council a measure affecting the Court's jurisdiction without having asked its opinion. The facts were these: On August the 4th, 1862, that is about a year and a half ago, the opinion of the High Court was solicited on two points. One was whether the Small Cause Courts of the Presidency Towns should be placed under the general superintendence of the High Court as are the Small Cause Courts of the Mofussil. The other referred to a suggestion of Her Majesty's Government which struck him (Mr. Maine) as more serious than the proposal of the Bill; it was whether the exclusive jurisdiction of the Presidency Small Cause Courts, or in other words the jurisdiction which absolutely excluded and shut out the jurisdiction of the High Court, should not be raised from Rs. 100 to Rs. 500. To the first of these questions Mr. Justice Norman had now replied in the affirmative, but in apparent ignorance that he was answering a question. To the second question no reply had been received. Now he (Mr. Maine) must not be understood as for a moment complaining of the High Court. He knew that the demands on their time had been enormous, and he was not stating his impression too strongly when he said that he believed them to have made the most of every minute of their time. But still it had become obvious that no very speedy reply to requests for its opinion could be looked for from the Court; and that in the present case there was urgent necessity for speedy legislation, he (Mr. Maine) thought that he could convince the Council. The history of the Bill had been partially given a fortnight ago. Last autumn, a Bill extending the jurisdiction of the Bombay Small Cause Court to Rs. 1,000 was passed by the Bombay Legislature and sent to the late Lord Elgin for his assent. The Viceroy vetoed the Bill, having been advised that a peculiarity of the Letters Patent, of which all the consequences had not perhaps been foreseen, prevented the local Council from passing such a measure. But, at the same time that he signified his veto, Lord

Elgin pledged himself that a similar Bill should be introduced into the Viceregal Council. As soon, however, as the matter came to be enquired into, it appeared that there were strong reasons for extending the provisions of the Bill to the other two Presidency Towns. He (Mr. Maine) ascertained that, when the old Calcutta Court of Requests was abolished, the original wish of the mercantile public had been that the new Court of Small Causes should have jurisdiction up to Rs. 1,000, and the contemporary papers seemed to show that the jurisdiction was only limited to Rs. 500, because the measure was regarded as tentative. Since that time, there had been a series of memorials in favor of extending the jurisdiction to the amount originally intended, and it was no doubt in consequence of strongly expressed feeling that a Bill closely resembling the present had been introduced into the Council of the Lieutenant-Governor of Bengal. The Lieutenant-Governor would be able to state his own impression, but from all he (Mr. Maine) had learned, he imagined that the Bill, in some form or other, would have been carried, so to speak, by acclamation. It could not however be proceeded with on account of the same defect of legislative power which impeded the Bombay measure. Whether the like Bill had been introduced into the Madras Council, Mr. Maine could not say, but, as the Madras Government had telegraphed their approval of the present Bill, they had probably only abstained (if they had abstained) from moving in the matter, because they were cognizant of their incompetence to deal with it legislatively. When therefore Mr. Justice Norman, passing from the singular to the plural, observed "we think it inconvenient that Bills of such general importance as the one in question should be passed without being published in the Gazette a sufficient time to enable the public to express their opinion upon the proposed alterations of the law," he could not be aware that this was an old Bengal Bill which had been published in the Calcutta Gazette two years ago, that it had been discussed in the Bengal Council at intervals during three quarters of a year, and that a strong current of public opinion had been running in its favor for more than twenty years. Mr. Maine would now pass to the specific points of difference between himself and the learned Judge. In the first place, Mr. Justice Norman seemed to complain that the Bill departed from the example of the English County Court Acts. Now among many advantages which might be looked for from bringing English legal opinion to bear on Indian law, there was one danger to be apprehended, the abuse of English analogies. He (Mr. Maine) affirmed without hesitation that there was no true analogy whatever between the relation of the English County Courts to the Courts at Westminster Hall, and the relation of the Presidency Town Small Cause Courts to the High Courts. The difference between trying a case in a County Court and trying it in Westminster Hall was the same thing as the difference between trying it before a single Judge and trying it before a Judge and Jury; and as nobody who had ever seen a civil case involving facts tried by a Jury would entertain a moment's doubt of the superiority of that tribunal, the English Legislature was naturally chary and hesitating in the transference of jurisdiction from Westminster Hall to the County Courts. It was reluctant to deprive the suitors of the option of resorting to a mode of trial at once popular and most effectual. But civil cases in the Indian High Courts were tried, as everybody knew, by single Judges; and hence the difference between taking a case into those Courts or the Small Cause Courts amounted simply to the difference between trying it before a single High Court Judge and trying it before a single Small Cause Court Judge. Now, of course, he (Mr. Maine) need hardly say that the opinion of the High Court on a question of law was to be preferred to the opinion of the Small Cause Court; but that was met by the Bill which provided for a virtual appeal on points of law. But when questions of fact had to be discussed, it by no means followed that a higher degree of legal knowledge and legal ingenuity conferred a corresponding superiority in dealing with them to that which it conferred when law had to be applied. The principle which underlay the whole English system of administering civil justice was, that average capacity and average integrity and average good sense were sufficient for the solution of questions of pure fact. Who then would venture to say that these Small Cause Court Judges—of whom no complaint was made—who were engaged in solving questions of fact all day long—who were thoroughly used to native character and native evidence—who several of them spoke the vernacular language—who under the amended Bill would have the advantage of Counsel before them—were unequal to disposing of the generally simple class of cases to which their jurisdiction was restricted, subject to correction by the High Court on questions of law, usage, and the admissibility of evidence? If the Council would be good enough to look at Section XII of the amended Bill, they would see a provision empowering the first Judge of the Small Cause Court, who was always, it should be remembered, a Barrister, to distribute the business among the Judges as he should think fit The principal object of that provision was to enable him to determine in his own branch of the Court all the more difficult suits which might be instituted under the present Bill. What grounds were there for supposing that he would not be competent to dispose of them satisfactorily? The question might be tested by reference to a gentleman whose legal knowledge and acuteness had been abundantly proved to the Council. Three years ago Mr. Macpherson was first Judge of the Small Cause Court, and there was no reason to believe that other first Judges were ever likely to be his inferiors; the other day His Excellency placed Mr. Macpherson on the Bench of the High Court, and the remainder of the Judges would be the first to admit that he was a worthy colleague. It appeared to him (Mr. Maine) that those who maintained the necessary inferiority of Small Cause Court judgments to High Court judgments were bound to maintain the necessary inferiority of the decisions of Mr. Macpherson to the decisions of Mr. Justice Macpherson. So much for the calibre of the Judges. As to procedure, was it true that a trial before the High Court presented in all respects the same security for justice which was furnished by enquiries before the Small Cause Court? He (Mr. Maine) disclaimed all sympathy with those who considered that the introduction of the Code of Civil Procedure on the original side of the High Court was a retrograde measure, but no doubt the change had one unfortunate effect in

subjecting the original jurisdiction to the system of Regular Appeals, which had its sole justification in the condition of the Indian judicial body in the Mofussil. It might thus happen—at all events, in theory—that the decision of a Judge like Sir Barnes Peacock on a question of pure fact, a decision arrived at after observing the demeanour of the witnesses, and hearing the story from their own lips, might be reversed by a Bench of Judges who labored under the really incalculable disadvantage of merely gathering the evidence from paper. It was a point of positive advantage in the Small Cause Court that its decisions on facts were not subject to review on a mere paper appeal. Perhaps however, although some of Mr. Justice Norman's expressions seemed to point to a wider divergence of view, the only real difference between himself and the learned Judge was on the question of concurrent jurisdiction. On this point he was quite ready to give way if the feeling of the Council was against him, but he must beg the Council to attend to the true issue. His Bill permitted a suitor to go freely into the High Court for claims under Rs. 1,000, and it further permitted him, if successful, to obtain his costs, if only the Judge who tried the case would certify that it was a proper case for trial in the High Court; in other words, if the Judge when the trial was over would take his pen and write a dozen words on the back of the record, which would show that the plaintiff had not vexatiously endeavoured to harass the defendant by bringing him into the more expensive Court. Mr. Norman, however, thought that a plaintiff ought to have his costs unconditionally. The difference therefore would seem to be that, whereas he (Mr. Maine) wished the plaintiff to have his costs when the action was properly brought, the learned Judge desired he should have them even when the action was improperly brought. That the learned Judge's opinion was nothing less than this, would appear from the breadth of the basis on which he rested it. "The great principle," he said "was that any interference with the right of the subject to choose his own tribunal is undesirable." Now, far be it from him (Mr. Maine) to deny the right of the subject to spend any money he pleased upon luxurious forms of litigation, provided only that the money came out of the subject's own pocket; but what he objected to was that the defendant should be made to pay for the indulgence of this taste. Unsuccessful defendants were entitled to consideration no less than successful plaintiffs. The true principle was one which, he feared, could not be connected with anything so magnificent as the liberty of the subject; it was that every litigant, though he should be in the right, was bound to enforce his rights *civiliter*, with reasonable moderation. A plaintiff was entitled to have his rights against the defendant who had wronged him, or contracted with him, but he was only entitled to have them with the least possible expense and annoyance and vexation to the defendant. It was, of course, true that this vexation and expense were less, now that the High Court was established, than they were in the days of the old Supreme Court. But the balance of expensiveness, as between the High Court and the Small Cause Courts, was still heavily against the High Court; for, although the mere Court expenses had certainly diminished, the rate of professional remuneration had largely increased if Mr. Maine had not been mis-informed. But the chief disadvantage was that, after all, after a decree had been obtained, there hung over the suitor the menace of a Regular Appeal; and though these appeals had not at first been frequent, probably owing to the new procedure not being fully understood, he feared they were becoming commoner, and would multiply every year. Mr. Maine therefore still preferred the present form of the Bill, but he would readily give way if the sense of the Council was not strongly in his favor. In truth he deprecated the point being decided either by his own authority or Mr. Norman's. It was possible that the learned Judge, from his position, was too much under the influence of one besetting sin of lawyers; it was equally possible that he (Mr. Maine), from the nature of his duties, was too much on his guard against it. Among many false charges brought against the legal profession, they were open to one which was true—that they were always over-anxious to have the ends of justice obtained by what he might call too artistic a process. They were apt to prefer what the Advocate General called in a paper that had been circulated "the superior article" to merely serviceable ware. Their tendency was always to employ machinery too fine and delicate for their object, and he confessed he saw no better corrective of that tendency than the obligation which this Bill would throw on the Judge who tried the cause to certify that there were reasons for bringing it in the more expensive Court.

The Hon'ble MR. ROBERTS would draw the attention of the Council to what, notwithstanding what had been said by the Hon'ble and learned mover, he would call the extraordinary haste with which this Bill had been brought to its present stage. On the 16th of March it had been introduced into the Council after the suspension of the Rules, and within two weeks the Council were about to be asked to pass the Bill. No reasons had been assigned for this great haste. The Bill was avowedly founded on the desire of the public for the extension of the jurisdiction of the Small Cause Court. That desire, in his opinion, had not been shown. Neither in the Statement of the Objects and Reasons nor in the argument of the Hon'ble Member was there anything to show that the public wanted such an enactment. Allusion had been made to similar Bills which had been introduced into the Councils of the Governor of Bombay and of the Lieutenant-Governor of Bengal; but that was two years ago, when the Supreme Courts existed, and when the expense and the delay in the decision of suits were great. The Hon'ble and learned mover had not sufficiently allowed for the improvement in these respects since the establishment of the High Court and the adoption by it in its original jurisdiction of the Code of Civil Procedure. In the Bengal Administration Report for 1862, it was stated—

"The number of suits instituted in the Calcutta Small Cause Court during the year was 33,581, and the amount of property under litigation was Rs. 10,54,228. In the previous year the results were 33,224 suits for property amounting to Rs. 11,19,418. The decrease in the value of property under litigation during the year under review was partly attributable to the adoption of a simpler procedure in the original jurisdiction branch of the High Court, which has left less inducement to litigants to adopt, on grounds of cheapness and

despatch, the plan of foregoing a portion of their claim to bring it within the jurisdiction of the Small Cause Court."

When the Bill referred to by the Hon'ble Member had been introduced into the Council of the Lieutenant-Governor of Bengal, one of the principal reasons urged for the passing of the Bill had been that in many cases large sums had been abandoned for the purpose of bringing the amount claimed within the limits of the jurisdiction of the Small Cause Court But during the period of 11 months from 1st May 1863 to 10th of the present month of March, there had been only 35 cases in which sums in excess of the limit of Rs. 500 had been abandoned by claimants, and in only seven of those cases did the amount abandoned exceed Rs. 100. He therefore concluded that the public were not now driven, as they formerly were, to the Small Cause Court, and that the great reason for the desire formerly shown for the increase of the jurisdiction of that Court no longer existed even in Calcutta. There were, in fact, no sufficient data before the Council for making the proposed extended jurisdiction compulsory. The only memorial that he could find on the subject was from the Calcutta Trades Association, and was annexed to the Bill brought into the Bengal Council in 1862. It was dated so far back as 1851, when a very different state of affairs existed. It appeared to him that before the Council made the jurisdiction compulsory, the Governments of Madras and Bombay, the Judges of the High and of the Small Cause Courts, as well as the public of those Presidencies, should have an opportunity of expressing their views upon the subject.

The Hon'ble MR. HARINGTON said that it was certainly the case that the Bill had been but a short time before the Council, and that it had not been published for the usual time; but he considered that Mr. Maine had given good and sufficient reasons for the Rules of the Council having been suspended in order to admit of the early passing of the Bill. As noticed by Mr. Maine, the Bill was really not a new Bill, and it could not, he thought, be said that the public had been taken by surprise by its introduction. Bills having the same object in view had been introduced some time ago into the local Councils of Bengal and Bombay. These Bills had been published for the usual period. He believed that no objection had been made to the Bombay Bill. When the Bengal Bill was under consideration, it was suggested that, as regarded the larger jurisdiction which the Bill proposed to give to the Small Cause Court at Calcutta, plaintiffs should have the option of taking their suits into that Court or into the High Court without any risk of losing their costs in the event of their succeeding in their action; but he did not know that there was any general feeling in favor of a provision to this effect. A fortnight had elapsed since the present Bill was introduced, and so far as Calcutta was concerned, there had been ample time for that portion of the community, which was most interested in the Bill, to petition against it, if they objected to its provisions; but the only communications which had been received on the subject of the Bill were from one of the learned Judges of the High Court and two other gentlemen connected with that Court, whose objections to the Bill had, he thought, been fully met by Mr. Maine. He saw no reason, therefore, why they should not proceed with the Bill, and pass it through its remaining stages.

The Hon'ble MR. MAINE said that the Council would do him the justice to remember that when he had introduced the Bill, he had expressly said that it was a measure on which he considered local opinion to have been pronounced, and which he believed that the local Councils would certainly have passed but for an accidental want of legislative power. He had never pretended that sufficient time had been given to discuss it, if it had been a Bill introduced into this Council on the ordinary footing. But as he had stated, it was actually published in Calcutta in December 1862. Since Mr. Justice Norman's letter had been received, he had done his best to ascertain the views of the trading community on the Bill, but had not succeeded in discovering a single objector to its principle. There was certainly some difference of opinion as to the mode and degree in which the jurisdiction should compete with that of the High Court, but no difference of opinion whatever as to the principle of extending the jurisdiction. Unless the Members of Council who represented the mercantile community desired delay, he saw no reason for postponement.

The Motion was put and agreed to.

The Hon'ble MR. HARINGTON moved the following amendments, of which notice had been given:—

Section II, line 6, after the word "demand" the introduction of the words "exceeding the sum of five hundred Rupees but."

Line 10. The omission of the word "and" before the word "The," and the introduction of the words "provided that the cause of action shall have arisen or the defendant at the time of bringing the action shall dwell or carry on business or personally work for gain within the local limits of the jurisdiction of the Court."

He said the first amendment was merely a verbal one. The object of the proviso, which formed the subject of the second amendment, was to place the jurisdiction of the Courts of Small Causes, in respect of the cases to which it was now proposed to extend their cognizance, on precisely the same footing as the jurisdiction of the High Courts under the Letters Patent from which the words of the proviso had been taken.

The Motions were severally put and agreed to.

The Hon'ble MR. ROBERTS moved that the following Section be introduced:—

"If both parties shall agree, by a Memorandum signed by them or by their Attornies and filed with the Clerk of the Court of Small Causes that the said Court shall have power to try any action (not included in the proviso in Section XXV of Act IX of 1850), in which the sum sought to be recovered shall exceed the sum of one thousand Rupees, then and in such case the said Court shall have jurisdiction to try such action."

He said that such a provision existed in both the Bengal and Bombay Bills, and should the Bill now before the Council be passed, he thought that, when parties consented, there should be no limit as to amount to the jurisdiction of the small Cause Court.

The Motion was put and agreed to.

The Hon'ble MR. HARINGTON then proposed that the latter part of Section II, after the word in a parenthesis, should form a separate Section with the following amendments :—

Line 16. The omission of the word "not' after the word "Courts."

Line 17. After the word "of" the substitution of the words "five hundred" for "one thousand,"

and that the Section so formed should follow Sections V and VI, which equally with the early part of Section II proposed to enlarge the present jurisdiction of the Small Cause Courts in the three Presidency Towns. He would suggest that the Section introduced on the motion of Mr. Roberts should follow Section II. He would also suggest that the words "the debt or damage claimed or value of the property in dispute, whether on balance of accounts or otherwise," be substituted for the words "the sum sought to be recovered" in the new Section proposed by Mr. Roberts. The words proposed to be substituted would show clearly that the new Section was intended to apply only to cases of the description referred to in the present Small Cause Court Acts (IX of 1850), not to cases of real property which, whatever might be the value of the property in dispute, could now be heard only in the High Courts He believed that it was not intended that the proposed new Section should extend to cases of this description. He thought that the present Sections V and VI should follow Mr. Roberts' new Section. They would then be numbered IV and V, and the latter part of Section II, which he had proposed should form a separate Section, should follow as Section VI of the Bill. This arrangement of the Sections would prevent any doubt arising as to the application of the new Section VI to the cases falling under the preceding four Sections.

The Motions were severally put and agreed to.

The Hon'ble MR. ROBERTS moved that Sections VII and VIII be omitted. He observed that the effect of this amendment would be to leave the jurisdiction of the Courts, as now, up to Rs. 500, and to give them a concurrent jurisdiction with the High Courts in suits above that amount. He (Mr. Roberts) would not follow the Hon'ble and learned framer of the Bill into a discussion of the comparative merits of the two descriptions of Courts or of their Judges. He would only observe that all that the Council had before them was, on one side, the opinion of the Hon'ble and learned Gentleman for making the proposed extended jurisdiction compulsory, while they had, against it, the opinion of the Hon'ble Mr. Justice Norman, and of the Advocate General. When the Bill was before the Bengal Council, his Hon'ble friend Mr. Bullen and the late Baboo Ramapershad Roy opposed the proposition to take the extended jurisdiction compulsory. The only expression of public opinion which he had been able to find was an extract from a Memorial from the Calcutta Trades Association, dated so far back as 26th July 1851, when the Small Cause Courts were first established. It was therefore his opinion that until the present state of public opinion at all the Presidencies could be ascertained, the Council would not be justified in making the extended jurisdiction compulsory, and he therefore proposed the omission of Sections VII and VIII.

The Hon'ble MR. BULLEN concurred with what had been said by the Hon'ble Member. It could not be denied that the heavy lists of the Judges of the Small Cause Courts showed that they could not bring to the considertation of cases the time and care which would be bestowed upon them in the High Court. The Hon'ble Member who had introduced the Bill had gone beyond what he (Mr. Bullen) understood the mercantile community to have asked for.

The Hon'ble MR. BROWN desired to express his support of the Bill as it was amended by the Committee. In his opinion it was calculated to prevent suitors from unnecessarily resorting to the more expensive mode of litigation, while at the same time it would not prevent them from taking proceedings in that mode under circumstances which might warrant their so doing

The Hon'ble MR HARINGTON said he did not attach any very great importance to the retention in the Bill of the two Sections which Mr. Roberts had moved should be omitted. It should not, however, be overlooked that the Sections proposed nothing new. They merely extended the provisions of the existing Act for constituting Courts of Small Causes in the Presidency Towns to the cases of larger amount which would be cognizable by those Courts, should the present Bill become law This fact was in favor of the retention of the Sections. The principal object of the present Bill was to enlarge the jurisdiction of the Courts to which the Bill related, leaving the procedure to be observed in disposing of the cases which their enlarged jurisdiction would enable those Courts to try and generally all other matters, except as to stating cases for the opinion of the High Court, and as to the amount of the institution fee, as in the cases now cognizable by them Under the Code of Civil procedure, the question of the apportionment of the costs which, under the old law, he believed, ordinarily followed the event, or were made payable by the losing party, was left entirely in the discretion of the Court. Section 187 of the Code said "the judgment shall in all cases direct by whom the costs of each party are to be paid, whether by himself or by another party, and whether in whole or in what part or proportion, and the Court shall have full power to award and apportion costs in any manner it may deem proper." If therefore Sections VII and VIII were struck out of the Bill, it would still be within the competency of the Judges of the High Court, acting on the discretionary power given by the Section of the Code which he had quoted, to decline to give a successfull plaintiff his costs in a case exceeding in amount Rs. 500, but not exceeding Rs. 1,000, which had been needlessly instituted in the High Court, instead of in the Court of Small Causes, on the ground that the case was one which ought to have been brought in the Small Cause Court, and porbably this was what would generally be done. It was rather in the interests of the plaintiffs that he would advocate the retention of the Sections. They would serve as a warning to plaintiffs that if they subjected the defendants to the heavier costs of the High Court by bringing suits in that Court, which ought properly to be brought in the Court of Small Causes, they would do so at their peril as regarded their own costs.

The Hon'ble MR. MAINE said that in reference to what had fallen from the Hon'ble Mr. Bullen,

he was aware that some persons who were in favor of the Bill desired an absolute concurrence of jurisdiction with the High Court. Doubtless if the interests of plaintiffs were solely considered, there would be nothing to be said against that arrangement, but if the principle were recognised that a plaintiff must not put the defendant to more expense than was absolutely necessary for the enforcement of his rights, the present form of the Bill was to be preferred. He should not press the point unless he had the Council decidedly with him.

The Motion having been put, the Council divided—

Ayes.	Noes.
Hon'ble Mr. Roberts.	The Hon'ble the Lieut. Govr.
„ Bullen.	Hon. Sir R Napier.
	„ Mr. Harington.
	„ Sir C. Trevelyan.
	„ Mr. Grey.
	„ „ Ellis.
	„ „ Anderson.
	„ „ Brown.
	„ Rajah Sahib Dyal.

So the Motion was negatived.

The Hon'ble MR. MAINE did not vote.

The Hon'ble MR. MAINE then moved the following amendments, of which notice had not been given :—

Section VII.—The omission of the words "on the back of the record" in lines 22 and 23.

Section XII.—The omission of the words "and Assistant Judges" in lines 12 and 13.

The Motions were severally put and agreed to.

The Hon'ble MR. MAINE having applied to His Excellency the President to suspend the Rules for the conduct of business,

The President declared the Rules suspended.

The Hon'ble MR. MAINE then moved that the Bill be passed with the amendments recommended by the Select Committee and those now adopted.

The Motion was put and agreed to.

CALCUTTA MAGISTRATES' JURISDICTION EXTENSION BILL.

The Hon'ble the Lieutenant-Governor of Bengal, in moving that the Report of the Select Committee on the Bill for the extension of the jurisdiction of the Magistrates of Police in Calcutta be taken into consideration said, that the Report explained the nature of the changes they proposed in the Bill. It was thought that two of the Sections of Chapter XIV of the Penal Code should be omitted, as the offences defined in them were not strictly in the nature of nuisances. A clause was added to enact expressly that if the Magistrates thought any offence deserving of a higher punishment than they could inflict, they might commit the offender to the High Court. Lastly, the Committee had altered the definition of the word Magistrate, so that the powers of a Magistrate under the Bill would only be exercised by persons specially authorized by the local Government.

The Hon'ble SIR R. NAPIER said that he had had some doubt regarding the Bill for extending the jurisdiction of the Magistrates of Police in Calcutta, lest it should lead to the punishment of some unconscious and involuntary offenders, but those objections had been removed by the amendments to the Bill, one of which reserved to the Lieutenant-Governor the selection of the Magistrates on whom the extended powers were to be conferred. He had recently passed through a District of Calcutta, not more than half a mile from Government House, the condition of which would justify stronger language than that of Mr. Strachey, if it were possible for language to be stronger. It was apparent that no individual efforts could be of any use in improving the present condition of the city. If any one was to blame for the condition of Calcutta, it was first the Supreme Government, honorably excepting the Viceroy, all the Lieutenant-Governors of Bengal, and the old Municipal Commission. Nothing but the vigorous action of Government could do any good. It appeared to him that the proper course for the Municipal Commission to follow was to borrow money at once to complete the new drainage, to employ a part of their income to pay the interest of the debt, and to form a sinking fund for its gradual re-payment; and to apply the remainder for the employment of large working parties, together with chemical appliances, for the immediate cleansing of the city. He should vote for the Bill.

The Hon'ble the Lieutenant-Governor said that he quite concurred with what had been stated by the Hon'ble Member, and added that now the inhabitants had consented to tax themselves largely for purposes of conservancy, there were great hopes that the work of improvement commenced would be carried out by the Municipal Body and the able Officer who presided over it.

The Motion was put and agreed to.

The Hon'ble the Lieutenant-Governor then moved that the Bill as amended be passed.

The Motion was put and agreed to.

MILITARY CANTONMENTS BILL.

The Hon'ble MR. MAINE moved that the Report of the Select Committee on the Bill to regulate the administration of Civil and Criminal Justice, and the superintendence of Police and Conservancy within the limits of Military Cantonments, be taken into consideration He said that as it was desirable that the discussion should be narrowed as much as possible, he would not make any observations unless the course of the debate seemed to require it.

The Motion was put and agreed to.

The Hon'ble MR. ROBERTS then moved the following amendment, of which notice had been given :—

Section XI.—The omission of the last eight lines after the words "such Force." He said that the Section as it stood would place the District Superintendent of Police under the general control and direction of the Commanding Officer of a Cantonment. This appeared to be a contravention of that provision of Act V of 1861, which gave such control and direction to the Magistrate of the District. The Bill preserved intact all the powers of the Commanding Officer in respect of Military matters; but as in respect of civil judicial matters, the Commanding Officer would have no control or authority over the Cantonment Magistrate, so in purely civil matters he should have no power over the Police. Since the introduction of the new Constabulary under Act V 1861 into the large Cantonments in the Punjab, the Commanding Officers had exercised no authority over such Constabulary, and he (Mr. Roberts) recommended that the uniform system provided for by Act V 1861, and as

already in practice wherever the new Police had been introduced both in the Punjab, and, he believed, in the North-Western Provinces, should be maintained.

The Hon'ble MR. HARINGTON said the Section to which the present motion related had given rise to more discussion and to greater differences of opinion than all the other Sections of the Bill put together. Many reasons had been urged both in favor of the Section, as it had been settled by the Select Committee, and in support of the objections taken to that part of the Section which it was now proposed to omit. He had carefully considered the arguments which had been brought forward on both sides of the question, and the conclusion at which he had arrived was that the arguments in favor of the Section, as it stood, greatly preponderated. In coming to this conclusion, he had allowed great weight to the fact that the Section, as framed, would maintain in some degree the existing laws in the Presidencies of Bengal Madras, and Bombay, whereas the Section, if altered as proposed, would have the effect of entirely abrogating those laws. It appeared to him that in moving the present amendment, Mr. Roberts could not have sufficiently adverted to the large powers which the existing laws of the three Presidencies conferred on Commanding Officers in respect to the Police employed in Military Cantonments and Bazars. Regulation III of 1809 of the Bengal Code commenced by saying "under the existing Regulations, the charge of the Police in the Cantonments and Military Bazars is vested in the Magistrates and their Officers. This arrangement having, however, in some instances been attended with inconvenience, the following rules have accordingly been passed for the more effectual support of the Police in places of that description." The rules which followed vested the support of the Police and the maintenance of the peace within the limits of the Cantonments and Military Bazars in the Officers Commanding the Troops quartered at such places. Section 3, Regulation VII of 1832 of the Madras Code, said "Police authority and the maintenance of the peace shall be vested in the Officer Commanding at all Stations which shall be designated as Military Bazar Stations," and Section 23, Regulation XXII of 1827 of the Bombay Code, provided "that the Superintendent of Bazars should, under the immediate authority of the Commanding Officer, perform the duties assigned to him in the Regulation, and that the Superintendent should have charge of such establishment for maintaining order and convenience within the limits of the Cantonment and enforcing rules established for that purpose by the Commanding Officer, subject always to the control of Government, as might be placed at his disposal." It was worthy of remark that the Regulations which he had just quoted were not passed by the same Legislature or at one time. They were passed by different Legislatures at different periods. They must assume that the Legislatures which passed these Regulations were fully satisfied at the time they passed them of their necessity and propriety. Furthermore, it was to be observed that the preamble to the Bengal Regulation showed that the system of making the Police of Military Cantonments and Bazars entirely independent of the Commanding Officer had already been tried in Bengal, and had been abandoned in consequence of the inconvenience with which the arrangement had been attended. Prior to the passing of Regulation III of 1809 of the Bengal Code, the charge of the Police in Military Cantonments and Bazars in Bengal was vested in the Magistrates who were at that time at the head of the Police of their respective Districts; but they were told in the extract from the Regulation which he had read, that it had been found necessary to resort to the aid of the Commanding Officers for the more effectual support of the Police and the maintenance of the peace in Military Cantonments and Bazars. The Madras and Bombay Governments taking warning from what had occurred in Bengal had, in the laws passed by them some years subsequently, followed the course of the Bengal legislation, which transferred the charge of the Police in Military Cantonments and Bazars from the Magistrate to the Commanding Officer. With these facts before them, it seemed to him that they would not be justified in repealing the existing law, and in entirely ousting the jurisdiction of the Commanding Officers in respect of the Police employed in Military Cantonments unless it could be shown that the necessity which had led to the enactment of the Regulations to which he had referred, and which were still in force any thing contained in Act V of 1861 notwithstanding, had ceased to exist, or that the powers conferred by those Regulations on Commanding Officers of Military Cantonments had been abused, or that Commanding Officers were no longer fit to be entrusted with such powers, or that practical inconvenience had been found to result from the operation of the laws which vested Commanding Officers with them. He submitted that Mr. Roberts had not established the necessity for the change of the present law which was now proposed by him on any of these grounds. Looking to the position of Commanding Officers in Military Cantonments, to the duties which devolved upon them, and to the number and various classes of persons over whom their authority extended, it seemed to him impossible to ignore the existence of those Officers in the Police arrangements of Military Cantonments, or to make the Police entirely independent of the Commanding Officer, and to declare that he should have nothing to do with the Force. Whatever they might do in the way of legislation they could not divest the Commanding Officer of all responsibility in respect to the maintenance of the peace in the Cantonments under his command If the present motion should be adopted, and a disturbance having occurred in a Cantonment, the Commanding Officer should abstain from interfering for its suppression on the ground that he had nothing to do with the Police, and that he had no power to exercise any direction or control in respect to that Force, he apprehended that the excuse would not be admitted either by the Commander-in-Chief or by the Government; but it appeared to him that it would be very unfair to Commanding Officers to leave them subject to responsibility, and, at the same time, to deprive them of the means of fulfilling the obligations which their position and the nature of their duties imposed upon them. For these reasons he should oppose the motion and vote for the Section as it stood.

The Hon'ble SIR C. TREVELYAN said that there were strong reasons for confining the exercise of Police powers to the Constabulary. The local

Superintendent of Police would necessarily have made Police matters his peculiar business, while a Commanding Officer was appointed with reference to qualifications entirely different. A Military Officer might be qualified for such duties, but it would be an accident whether he were so or not, and it would not be right to impose such responsibility upon him. The laws cited by Mr. Harington had been passed before the present highly organized Constabulary Force was established, and might now be considered obsolete. The Section, as it stood, would tend to a conflict of authority between two Departments of the Public Service, and to the introduction of a double administration. At Madras, as well as in the Punjab, the Cantonment Police formed part of the undivided charge of the District Superintendent of Police, and the arrangement worked very well. At home the same practice was universal, and even at Aldershott and the Curragh, where there were large assemblages of troops of all arms on the Indian principle, the Military Officers confined themselves to their own duties, and the Police was managed by detachments from the Surrey Police and the Irish Constabulary. The principle of preserving the distinction between the Civil Police and the Military Force was a very important one, and ought not to be lightly departed from. He (Sir C. Trevelyan) had stated what was the opinion of the Government of Madras when the new Constabulary was first established, and what had been the subsequent practice. The Hon'ble Mr. Harington had said that the present Government of Madras had intimated by telegraph its approval of this Clause of the Bill, but on examining the telegram, it would be seen that the question upon which the Government of Madras gave its opinion was, whether the Cantonment Police should be managed by the District Superintendent or the Cantonment Magistrate, and had nothing to do with the Commanding Officer.

The Hon'ble Sir ROBERT NAPIER said that three arguments had been brought forward against the original Section of the Bill which placed the Police Officer in Cantonments under the general control of the Commanding Officer. *First.*—The Hon'ble Mr. Roberts considered that the Police Officer should be independent of the Commanding Officer, because a similar system had worked well in certain Cantonments in the Punjab. *Secondly.*—The Hon'ble Sir C. Trevelyan thought that there would be a conflict of authority because Commanding Officers would interfere with the details of the Police, and that they would know nothing about them. *Thirdly.*—The same Hon'ble Member was of opinion that the complete separation of the Civil Police from Military Authority was most successful in England and Ireland. He could not admit the sufficiency of these arguments. He could not admit that a system which had worked well in general use should be changed because a different one had succeeded in a few stations in the Punjab. No doubt the independence of the Police Officer might have worked well under special circumstances at a few stations, but according to his own experience, whenever there had been any difficulty, it had arisen from the Police Officer endeavouring to disregard the authority of the Commanding Officer. There was the example of two Officers in Cantonments similarly situated to the Police Officer. The Executive Engineer carried on his work in Cantonments, under a complicated set of departmental rules, and under several departmental masters, but in strict subordination to the Commanding Officer. In like manner the Commissariat Officer was guided by his departmental rules, and subordinate to his departmental superiors, and yet he conducted his duty under the general direction and control of the Commanding Officer, without any difficulty. With regard to the objection of his Hon'ble friend, Sir C. Trevelyan, that Commanding Officers would know nothing of Police duties, he thought that could hardly be admitted for the future, because there were a great many Officers now serving in the Police; but, so far from thinking it an advantage, he thought it not at all necessary, that the Commanding Officer should know, or interfere with, the details of the Police duties. All that was required was that the Police Officer should conduct his duties in general subordination to the Commanding Officer, but according to his own special regulations. The situations of bodies of Troops in England and India were totally different. In India the troops were not placed in the midst of large civil populations as in England; and, however perfect his Hon'ble friend might consider the Indian Police, it could hardly be compared with that of England or Ireland. The Cantonment of India was a standing camp, and the long military experience of England had shown that, with a detached military body, whether contained in a ship of war at sea, or a camp on land, the Military Commander must have the complete and supreme authority. On this ground he supported the original Section of the Bill.

The Hon'ble MR. ROBERTS thought that the Hon'ble Mr. Harington's arguments were based upon a wrong assumption, and without due advertence to the force of Act V 1861. Mr. Harington assumed that the Police described in the old Cantonment Regulations of 1803, 1810, and 1832 would be continued, but wherever Act V 1861 was introduced, the new Constabulary entirely superseded and set aside the Bazar Police mentioned in the old Regulations. Those Regulations were becoming obsolete. He (Mr. Roberts) had consulted two general Officers, one of whom was in command of a Brigade, and they were both of opinion that the Commanding Officers need not, and should not, have any thing to do with the Civil Constabulary. He had also consulted the Inspectors General of Police in the North Western Provinces and in the Punjab. Both were opposed to the Section as it stood. He would read from the letters from the Inspector General of Police in the Punjab, which was among the printed papers, and which referred to the Bill as it was first framed, a description of the manner in which the new Police had been introduced into Cantonments and how it acted :—

"I would therefore suggest in modification of Section VI that the Police in Cantonments should be under the control and supervision of District Superintendents, but that the actual head of the Cantonment Police (an European Inspector) should be subordinate to the Cantonment Magistrate in the same manner that District Superintendents are subordinate to the Magistrate of the district. This would not encroach in any way on the authority of either Commanding Officer or Cantonment Magistrate, for the Police would be subordinate to the Magistrate, in every point contemplated in the Act, save departmental supervision. What I have now proposed has

been tested, and we have already had practical proof of its working. Since the introduction of the new Police, the system above advocated has been carried out in the Cantonments of Delhi, Umballah, Jullunder, Sealkote, and Meean Meer, and I am not aware of a single instance where authority was found to clash, or a difficulty to arise in working it."

The writer of that letter was himself a Military man. It would obviously be for the interest and advantage of the Police to carry the Commanding Officer with them, and they would be bound to pay him every respect and attention, but according to the principle of Act V 1861, they should not be under his control and direction.

The Hon'ble MR. HARINGTON said the construction which Sir Charles Trevelyan had placed on the telegram received from the Government of Madras did not seem to be altogether correct. The question upon which the Government of Madras had directly expressed their opinion was as to whether the administration of the Police in Military Cantonments should be vested in the Cantonment Magistrate or in the District Superintendent of Police under (in either case) the general direction and control of the Commanding Officer of the Cantonments. For the reason mentioned in their telegram, the Government of Madras gave the preference to the District Superintendent of Police. The telegram, said the Madras Government were strongly in favor of the alternative Section (that was the Section as it now stood) being substituted for the Section in the Bill as published. The Madras Government made no objection to that part of the Section which gave the Commanding Officer of a Military Cantonment a general direction and control over the administration of the Police in the Cantonment, and it might therefore fairly be assumed that they approved of the entire Section as it stood.

The Motion was put and negatived.

The Hon'ble MR. ROBERTS then moved that Clause 7 of Section XIX and Section XXV and the concluding words "or Section XXV" of Section XXVII be omitted. He said he had deemed it his duty to object to the introduction of the Clause and Section mentioned, which provided specially for the inspection and control of houses of ill-fame, and for the prevention of the spread of venereal disease, not only in Military Cantonments, but whenever it might be deemed necessary for the protection of the health of the troops beyond those limits. The prevalence of this disease among our soldiers was truly deplorable. It had assumed such a magnitude as to compromise both the morale and the physique of the Army. Most assuredly the time had arrived when it behoved them no longer to shut their eyes to the evil, but to grapple with it; at the same time, he respectfully submitted that the mode proposed was not the right way of dealing with it. The medical surveillance of public women in Cantonments and the compulsory treatment of such as were found to be diseased had been in practice in India with varied success for the last 70 years. It had from time to time been abandoned, either on account of the very partial success obtained, or from the moral objections which existed to the measure. It had again been resumed; was in operation in various places; and now for the first time a British Legislature was asked to sanction the measure. It could under any circumstances be carried out only partially in this country; but whether wholly or partially enforced, it was so questionable whether the end would justfy the means, and also whether immunity from this disease might not be purchased by a general loosening of moral principle and an increase of profligacy, that he did not think the measure should be allowed. It must be admitted that the similar measures which had been adopted by various nations in the Continent of Europe had been eminently successful. He believed it to be a fact that not only the French, and Belgian, and Prussian, Armies, but the French and Belgian and Prussian nations also, for the repressive measures were not confined to garrison, towns, and camps, but were general throughout those countries, were almost exempt from these terrible diseases. Still he thought it a question whether those nations had gained much by this exemption, and whether it was not accompanied with great immorality. These measures had been long in operation, and must have had effect upon the physical, social, and moral condition of the people. He had not succeeded in obtaining any full statistics, still there were some in reach which he would read to the Council. In a comparative table of the percentage of deaths to population in twenty of the kingdoms of Europe, (Annals of British Legislation for October 1862 and September 1863,) Scotland, in which, of course, no such measures were in force, stood 1st, and had the lowest death rate; Denmark was 2nd; Norway 3rd; England 4th; France, which has the protective system under consideration, 7th; Belgium, also protective, was 10th, and Prussia 15th. Then the marriage rate and the birth rate were higher in England than in France, and as bearing more particularly upon morals, it appeared that while the proportion of illegitimate to legitimate births was 4 per cent. in London, it was 32 per cent. in Paris. Such facts did not evince a physical, or social, or moral condition which should encourage them to adopt the measures which prevailed on the Continent. Moreover, he had to remark that although the disease which it was wished to check prevailed as much among the troops at home, and more among the household Brigade in London than anywhere else, it had never been proposed to deal with the evil in this manner in England, and the proposition, if made, would not be tolerated for a moment. He would now consider the measure itself, and whether it was possible to carry it out generally in this country. In order to enforce the measure, it was necessary to ascertain who the public women were with whom the soldiers associated. This was easy enough in Cantonments, for number of these women were allowed to live, unfortunately, in almost every Cantonment, sometimes in the Regimental Bazars, when they were considered to belong to particular Regiments, and sometimes in the Sudder Bazar. But how would it be possible to enforce the measure where there were garrisons as at Calcutta, Madras, and Bombay, or where there were Cantonments in proximity to large cities, like Benares, Agra, Delhi, Lahore, Peshawur, Poona, &c. Either the whole of the public women in these places must be subjected to surveillance and inspection, and that was almost impossible, or through the Police and by other means, which would increase the objections to the measure, it would be necessary to find out who the

women were with whom the soldiers consorted, and to register them. In any case there would be a recognition of them and of their profession which had not heretofore been sanctioned. The women would consider themselves and would call themselves licensed by, and the servants of, the Government, and the soldiers would think so too. It was useless to say that the latter knew better and had been taught better. As a body they were ignorant, uneducated, and unreflecting. If they reasoned at all, they would say "why is not temptation put out of our way?" "If Government and our Officers wish to discountenance immorality, why are these persons allowed to reside in Cantonments so as to offer continual temptation?" It was sad to think that the hundreds of young soldiers and Officers who annually come out to this country should, on joining their Regiments, find that such persons were allowed to live in Cantonments or close to Cantonments. In the enforcement of the proposed measure, the Civil and Military Officers who would have to find out and register the women would be placed in a very false and often trying position. As to the duty that would devolve upon the Medical Officers, it would not only be false and trying, but humiliating, and possibly demoralizing. If it were possible to check venereal disease by any means which were not open to all these grave objections; if it were possible to do so without lowering moral principle and without the risk, nay almost the certainty, of an increase of profligacy, he (Mr. Roberts) would offer no opposition. But after a mature and anxious consideration of the subject he concurred with Sir Bartle Frere. He did not believe in the efficiency of Lock Hospitals as established and worked in this country, or in any exceptional measures. He also agreed with Sir William Mansfield that we must in this matter of venereal disease, as in all other reforms which are desirable, depend on morals and education. Both of those high authorities advocated permission to a larger proportion of our soldiers to marry. Indeed, Sir William Mansfield said there should be no limit. Marriage was the remedy which God himself had provided, and no considerations of expense or inconvenience should deter the Government from allowing a larger number of soldiers to marry. And it would not be sufficient to remove the present restriction. It would be necessary to afford greater facilities and even help to the men to get wives. The accommodation for the married soldiers must be improved and better provision made for his family. Measures should also be adopted for the education and improvement and amusement of the soldiers. He was aware that all these subjects had received and were still receiving the attention of Government, but much time had passed, and very little had been done in these respects. Finally, he would urge the Council to expunge from this Bill the provisions to which he had objected, ere it was brought on the Statute Book of the country.

The Hon'ble MR. ELLIS said, "with all respect for the feelings which have influenced my Hon'ble friend Mr. Roberts in moving that Clause 7 of Section XIX should be omitted from the Bill, I cannot agree to the force of the reasons which he has given for his objection. There seems to me a wide difference between recognizing the existence of an evil and approving or encouraging the evil itself. I am persuaded that with the experience of the past before them, it will be quite possible for the Government to frame rules for the prevention of the spread of venereal disease which will be found unobjectionable in themselves, and which will not be liable to be misunderstood and misinterpreted. One thing is very certain, that the present policy of practically ignoring this evil—ignoring it by taking no measures for its prevention or reduction, has been any thing but successful. Vice accompanied by most lamentable results has been on the increase, and morality has certainly not been a gainer. On the other hand, we know that where well-considered measures of repression have been taken, not only have the diseases been so reduced as almost to have disappeared, but the numbers of those who minister to vice have been much diminished, temptation removed, and the moral tone of the soldiers improved. Of the magnitude of the evil which it is sought to remedy, there can be no doubt, and the facts connected with this subject have been clearly set forth in an able paper by the President of the Sanitary Commission, which has been recently circulated among the Members of this Council. These facts must, I think, create a feeling of most painful surprize among those who have not previously directed their attention to this subject. From Mr. Strachey's paper it appears that one-third of the British Army passes through the hospital in one year on account of these diseases only, and it has also been ascertained that a very large proportion of the invaliding which occurs every year owes its origin to these diseases, which also indirectly aggravate the mortality from other diseases. In the same paper Mr. Strachey has brought together facts and figures which must, I think, convince all who are not strongly prejudiced, that great as is this evil, it is capable of prevention and reduction. It has been most clearly shown that, with carefully conceived measures of prevention, these diseases can be extraordinarily reduced; for in one instance quoted, in a *corp d'armee* consisting of 35,000 Belgian Soldiers subject to a proper discipline in these matters, there were only 11 men laid up with these diseases. The success of preventive measures is not limited to isolated cases, such as that just mentioned, but is invariably the same in the great continental camps and armies of France and Prussia. The same results have been obtained in the British Army, and the experiments made at Malta and Cephalonia are most decisive. In India, although, there has never been the same continuous application of preventive measures—although a system of prevention has not hitherto been recognized by law, and has therefore been deficient in much important auxiliary aid, and although the measures themselves have not always been judicious—enough has been ascertained, as in the Military Stations of Secunderabad, Wellington, and Trichinopoly, and at Meean Meer, Muttra, and Hazareebagh, to establish the well-ascertained fact that, wherever prevention is systematically enforced by Police and sanitary measures, disease decreases, and that whenever these measures are relaxed, it increases in a most formidable manner. There are many difficulties, varying with the various localities, in devising these preventive measures; but there is a great preponderance of medical and military authority, that such measures are urgently required, and that they can be made thoroughly effectual. No expense is spared

in devising means to improve the health and condition of our Army, and wisely much is anticipated from affording the soldiers, when off-duty, means of industrial employment, education, and manly amusement. An increase in the marriages of Soldiers is also being attempted, and will no doubt lead to a great improvement in their morals. These measures are of the utmost importance, but they do not, and will not, except remotely and slowly, affect the object aimed at by the rule to which objection is raised. We have to combat an evil of appalling magnitude, ever present and daily diminishing the efficiency of our Army. We have well-tried weapons with which to meet and overpower this evil, and I think the Government which no longer neglects to make use of these will incur a grave responsibility. It has been objected that the Legislature of England has kept silence on this subject, and that we should not anticipate in this country legislative action at home. The evil at home resulting from these diseases has now become so well known and is so serious that I think we shall only be anticipating for a short time similar measures in England. But however this may be, I think we should be unwise to delay passing a measure in itself good and useful because we have not an English precedent. We have, in India, anticipated many of the improvements essential to the health, comfort, and morality of the British Soldiers, and I shall, I confess, rejoice at our taking also the lead in the important improvement contained in this Bill. I trust I may be allowed to quote, once more, from Mr. Strachey's valuable paper, an opinion which has in this matter a peculiar value and significance. It is that of the late Mr. Thomason, Lieutenant-Governor of the North-West, who was as remarkable for his moral virtues as he was distinguished for his thorough acquaintance with this country and for his great administrative ability. In his opinion, it was not only the duty of the Government to deal with this great evil, both inside and outside our Cantonments, but that probably in no other country could measures of repression be carried out more easily, and more effectually, and with less danger of abuse. I think this opinion should have great weight, and should go far to re-assure those who think this portion of the Bill before the Council open to moral objection, or who doubt that it is practically possible to reduce the amount of these diseases among our soldiers."

The Hon'ble SIR C. TREVELYAN was not surprised at the scruples of the Hon'ble Mr. Roberts. The question was one of the most difficult of those which occupied the debateable ground between divine and human law; but having been accustomed to the discussion of the subject for many years in public and in private, and having co-operated with General Sir Patrick Grant in the measures taken in the Cantonments at Secunderabad, Trichinopoly, and Wellington, in the sense of the Section in question, he (Sir C. Trevelyan) had no misgiving. There appeared to be no fixed rule or principle in the matter, but the question had to be determined, like any other, on a consideration of the balance of practical good or evil to the public. In England all that public opinion would bear was, that a voluntary asylum should be afforded to unhappy women who had lapsed from virtue, under the shelter of which they might recover their place in society. In India such was the low state of morals, that prostitution was an hereditary profession, the members of which by no means felt degraded, but had their own *esprit-de-corps* and point of honor. This was implied by the name by which they were known. *Kusb* was a profession, and *Kusbee* was a professional person. But the decisive consideration was that 70,000 of the youths of England were employed in this country, and whether as soldiers subject to discipline; as young men at the age most liable to temptation; or as a large body of the most uninstructed portion of our fellow-countrymen in this distant land; their claim for protection and active assistance was overwhelming. The absolute necessity for taking some steps in their behalf would be seen from the following two paragraphs of the letter from the President of the Sanitary Commission:—

"We may thus consider that at least one-third of the whole European Army passes through the hospitals in the course of the year on account of these diseases alone. At many stations the proportion is much higher, amounting to fifty, sixty, and sometimes even to seventy per cent. of the force. It may be assumed on any day in the year that a number of men equal to the ordinary effective strength of a Regiment are disabled from this cause. The average length of time during which each man remains in hospital under treatment is at least three weeks. The Report of the Royal Commissioners for inquiring into the sanitary state of the Army in India states that the annual cost of each Soldier in India is £100. Assuming this to be correct, the direct money loss caused to the State at the present time by these diseases, is not less than £75,000 a year. The indirect loss cannot be estimated, but it must be extremely large. The figures that have been given above by no means represent the full amount of disease attributable to these causes. All the highest authorities agree in declaring that venereal diseases are the origin of a very large proportion of the invaliding which occurs every year, and that the mortality from other diseases is most seriously aggravated by them. Dr. Duncan Macpherson, Inspector General of Hospitals in Madras, who has made this subject a matter of special study, has placed his belief upon record in the following words:—'As to the type of the malady, so destructive has it become that few who imbibe it can hold on to the Service beyond five or six years from the date of inoculation. * * * 'The prevailing diseases are everywhere syphilitic, and fully two-thirds of those who imbibe the disease are invalided within five years, and are sent out of the Service with a loathsome poison circulating in their veins, which passes down to their posterity.'* In another Report Dr. Macpherson states that he had become 'assured, after close inquiry, that the great majority of the European invalids of Her Majesty's Service in the Madras Presidency have their constitutions more or less impaired by Syphilis.' There can be no question that the highest medical authorities hold the same opinion in Bengal."

* Minutes of Evidence taken before the Commissioners appointed to enquire into the sanitary state of the Army in India, Vol. I, Page 34.

Other parts of the same report showed by the example, not only of the Continent of Europe, but of various Military Cantonments in India, how much might be done to stay this plague, which re-

produced itself in the next generation in the shape of scrofula, cancer, and malformations of various kinds. The matter would not be dealt with as heretofore in a desultory manner, measures having been taken up or abandoned according to the varying views of different Commanding Officers; but it would be treated according to a comprehensive well considered plan, under the superintendence of a Commission, which had already established a just claim to the public confidence; and if the Commission went on as it had begun, great public benefits must result from its exertions. No doubt, there were only two effectual remedies for the vice which occasioned this disease, *i. e.*, religion and marriage, and nothing that could be done to encourage religious principle in the soldiers, and to induce them to marry should be omitted. But after all that was possible had been done in this direction, much would be left undone. Where were wives to be found for successive relays of 70,000 men? Marriage was a blessed institution, but its very essence depended upon its being voluntary, and most young Englishmen preferred to retain their liberty, during the early active period of life, until they were able to support a family. Something might be done by providing occupation for the men in the Gymnasium and the reading-room; but the main thing of all was to give them an object in life. All men were not religious, but all were more or less influenced by the desire to prosper in this life. Many improvements had of late years been made in this respect as regarded the higher classes of Civil and Military Servants, and what was wanted for the soldier was to bring to bear upon him, in a regulated and certain manner, the same prevailing motive of bettering his condition. This would teach him the value of character, would induce habits of self-respect, and if anything could, would keep him from discreditable vices.

The Motion was put and negatived.

The Hon'ble Mr. Maine then moved that the Bill as amended be passed.

The Motion was put and agreed to.

The Hon'ble Mr. Anderson presented the Report of the Select Committee on the Bill to provide for the solemnization of Marriages in India of persons professing the Christian Religion.

Administration of Jhansie and other Districts (N. W. P.) Bill.

The Hon'ble Mr. Harington, in moving for leave to introduce a Bill relating to the administration of certain Districts under the Government of the Lieutenant-Governor of the North-Western Provinces said, in the early part of the year 1862, the late Lieutenant-Governor of the North-Western Provinces issued of his own authority a set of Rules for the administration of Civil justice in the Districts of Jhansie, Jaloun, and Lullutpor, which formed part of the Territories under his Government, and for the superintendence in those Districts of the settlement and realization of the Public Revenue and of matters relating to rent. The Rules so issued, in so far as they related to the administration of Civil justice, were afterwards extended, by an order of the Lieutenant-Governor, to the Provinces of Kumaon and Gurhwal. The Lieutenant-Governor would seem to have supposed that because the Districts and Provinces named were what was called Non-Regulation, that was, were not subject to the general Regulations, he was vested, in their administration, not only with the powers of the Executive Government, but also with the power of making Laws, anything in the Indian Councils Act 1861 notwithstanding. This was obviously a mistake, and the unauthorized issue of the Rules in question having been brought to notice, it was highly desirable that immediate measures should be taken to correct the mistake, both in order that the Civil administration of the Districts and Provinces to which the Rules issued by the Lieutenant-Governor applied, might be placed on a legal footing, and also to prevent the validity of the decisions and orders passed or proceedings held under the Rules from being called in question solely by reason of the Rules not having been made in the manner provided in the Indian Councils Act. These two objects would be accomplished by the Bill which he had asked for leave to introduce. He had looked at the Rules issued by the Lieutenant-Governor, and though the Rules relating to the administration of Civil justice would not, in his opinion, bear comparison with the Code of Civil Procedure, which was now in force in the greater part of the British Territories in India, and though he could not understand why the Lieutenant-Governor, having power to extend that Code to the Districts and Provinces mentioned in the present Bill, should have preferred to give them a Code prepared by himself, still there was no reason to suppose that, in the cases which had been disposed of under the Lieutenant-Governor's Rules, any substantial injustice had been done, and it would be very unjust to the successful parties in those cases to allow the validity of the decisions and orders passed and of the proceedings held in them to be called in question, and to be set aside simply because in issuing the Rules the Lieutenant-Governor had acted *ultra vires*. The Bill proposed to substitute the Code of Civil Procedure with a slight modification, and the general law of limitation contained in Act XIV of 1859, in the Districts and Provinces to which the Rules issued by the late Lieutenant-Governor extended, for the procedure and limitation prescribed by those Rules, but to give validity to the Rules so far as they related to other matters. The Bill declared that "no decision, order, or proceeding of any Court or Officer under any of the Rules made and extended by the Lieutenant-Governor, should be held to be invalid only by reason of such order or decision having been passed, or of such proceeding having been held before the passing of this Act." The introduction of the present Bill seemed to afford a suitable opportunity for removing doubts which had long existed as to the legal position of another tract of country under the Government of the North-Western Provinces, and for placing the administration of this tract on a proper and legal footing. The tract of country alluded to was situated in the Dehra Dhoon, and was called Jounsar Bawur. It was very wild and backward, and, generally, its condition would seem very similar to the tract of country described in the Schedule annexed to Act XIV of 1861. It was now proposed to bring the tract in question under the same system of administration as had been introduced, under the authority of the Act just mentioned, in the Pergunnahs to which that Act applied, and to extend to it the Rules in force in those Pergunnahs. It had been deemed proper, however, to add a proviso that nothing in

the Act or in Act XIV of 1861, should be held to exclude the particular tracts of country referred to in the present Bill, or in Act XIV of 1861, from the operation of the Indian Penal Code. He had been informed that some doubt existed on this point as regarded the country described in Act XIV of 1861, which it was desirable to remove.

The Motion was put and agreed to.

The Hon'ble Mr. Harington having applied to His Excellency the President to suspend the Rules for the conduct of business,

The President declared the Rules suspended.

The Hon'ble Mr. Harington then introduced the Bill and moved that it be referred to Select Committee, with instructions to report in one week.

The Motion was put and agreed to.

The following Select Committee was named :—

On the Bill relating to the administration of certain Districts under the Government of the Lieutenant-Governor of the North-Western Provinces—The Hon'ble Messrs. Harington, Maine, Roberts, and Anderson.

The Council adjourned.

C. Boulnois,
Offg. Depy. Secy. to Govt. of India,
Home Dept.

Calcutta,
The 30th March 1864.

HOME DEPARTMENT.

Coolie Immigration.

From J. D. Hay-Hill, Esq., Her Britannic Majesty's Consul at Réunion, to E. C. Bayley, Esq., Secretary to the Government of India, Home Dept.—(No. 48, dated the 31st December 1863.)

I have the honor herewith to transmit, for the information of His Excellency the Governor General in Council for India, a copy of my Annual Report on the state of the Coolie Immigration to this place up to the present date.

From J. D. Hay-Hill, Esq., Her Britannic Majesty's Consul at Réunion, to the Right Hon'ble Earl Russell, K. G.,—(dated the 31st December 1863.)

I have the honor to submit to your Lordship my Annual Report on the Immigration of British Indians to this Colony during the year 1863.

From official documents supplied to this Office, it will appear that 2,902 Immigrants, of all sexes and ages, left the various Ports of India for Bourbon during the year 1863. Of these only 291 were from Calcutta; the remainder were from Pondicherry and Karikal, Yanaon, and Madras. The mortality on board vessels arriving from these latter Ports has been very trifling, and the clas of coolies introduced appears to have been all that could be desired. The only ship which arrived from Calcutta, the *Futty Allum*, in my opinion, was not in any way adapted to the safe transport of any large body of men; and during her lengthened voyage was so leaky as to subject her passengers not only to great inconvenience, but also to contribute very much to the mortality which occurred on board and on shore previous to distribution.

Appendix A.

Out of 2,611 emigrants from Madras, Pondicherry, Karikal, and Yanaon, only *five* deaths occurred on board, and *none* in the Lazareth.

On the *Futty Allum* out of 291 *five* died on board, *four* in Lazareth before distribution, and *sixteen* were placed in the Colonial Hospital, where, in spite of every attention, *six* or *seven* more succumbed to a disease classified as "hemeralopia."

Much of this mortality may be attributed to the boisterous voyage and colder climate to which the coolies were subjected, and I have no reason to believe the immigrants were badly cared for on board; but I cannot but express to your Lordship my firm belief that Calcutta immigrants will never succeed in Réunion. I shall have the honor, in a subsequent paragraph, to draw attention to the mortality which has this year occurred amongst the Calcutta coolies employed in this Island.

The cost of introducing coolies this year has ranged from 300 to 400 francs a head; the latter sum having been paid for laborers from Madras. No special engagements have taken place except from that Presidency.

During the year 1863, although some few Indians, who have been found not so strong as might be desired, have been sometimes classified as *rebutés*, no reduction in their wages has been sanctioned by the Government in conformity with the instructions I had the honor to receive from your Lordship, and the laborers have been distributed strictly on the terms agreed upon in India before departure.

Although not absolutely obliged to do so, the local Government has made a practice, during the past year, of sending up to me lists in duplicate (to one of which my *visa* is attached for transmission to India) of all of Her Majesty's Indian subjects who may have been sent back to India, whether introduced before or since the Convention of July 1860. It will appear, therefore, that 245 men, 39 women, and 57 children of different sexes were sent back to Pondicherry and Karikal, and six men to Calcutta, during the year 1863. The forms which have accompanied these Indians have been in strict conformity with those in use at Mauritius, and have been adopted here at my most special request.

The rate of mortality amongst the Calcutta Indians is, I regret to say, still very high, although considerably less than that of last year. Taking, therefore, the balance of 7,284 *Calcutta* Indians remaining last year, and the 281 introduced this year by the *Futty Allum*, it would appear that amongst 7,565 of all sexes 350 deaths occurred from various causes. The mortality amongst other Indians, *Malabars*, introduced before and after the Convention, has amounted this year to about 1,050 in a population, as nearly as can be ascertained, of 41,000, or about 2½ per cent. against 4½ amongst the Bengalees.

Appendix B.

I am happy to be able to state that, during the year 1863, the complaints made to me on various subjects have been very few in comparison with last year. The greatest consideration is now paid to every Indian who claims my protection, and I have every reason to feel sure that well-founded complaints will receive every possible attention. I submit herewith, in blank, a form under which I forward Indians whose complaints appear well-found-

Appendix C.

d

ed, but of not a very serious nature to the local Authorities. I say "appear" because without judicial powers it is quite impossible to determine *primâ facie* how far the complaints are correct. The printed form, herewith transmitted, is returned to me with the result of the proper enquiries endorsed thereon, and should I not feel satisfied with the answer, forms the basis of a Despatch to the Governor of the Island for further investigation and explanation.

I need scarcely point out to your Lordship that many complaints made to me are perfectly false, and often preferred by those who hope to screen themselves from just punishment by their appeal to the Consulate. The majority of complaints are for non-payment of wages and alleged bad treatment; but I feel sure, I may safely say, that, as a rule, the latter is an exception, and the former, of course, not always well-founded, and such as should very often have been addressed in the first instance to the proper local Authorities without any reference to me.

I had the honor, in my Report last year, to draw your Lordship's attention to the regret I felt at the immigrant not being in actual possession of his *livret* (or book of identification), or some ticket specifying his engagement, &c., as in our Colony of Mauritius, and I have not failed to impress upon His Excellency Baron Darrican the importance attachable to such a document, but I almost fear without any great hope of success. Although, as I have previously reported, such possession of the *livret* is properly guaranteed by law, the system has been so neglected, and indeed forbidden for years that the Administration seems to be afraid of now allowing a privilege to those who have arrived since the Convention, which has been denied to a much greater number before that period.

I may here be allowed to explain to your Lordship the system under which I am enabled to recognize the various complainants who arrive before me. An alphabetical Register of every English Indian since the Convention is kept in the Office, with the name of the ship on which he was brought. To each Indian a number is affixed corresponding with his name in the Office of the local Protector of Immigrants, and another list with same numbers enables me to find out the Master with whom the coolie is engaged.

Ignorant as most of the coolies are of the French language, and sometimes even of their Masters' names, even this system, the only one I can adopt, involves me in a great amount of trouble; but still, with the anxious care and attention I give to all I consider deserving my intervention, I have been able this year, almost invariably, to obtain all I require in vindication of their rights.

I have seldom had reason this year to believe that severity has been applied to the Indians on account of their appealing to me; and I have great pleasure in stating that His Excellency Baron Darrican has done all in his power to make things as agreeable as possible, and appears willing, as a rule, to adopt propositions I may consider it advisable to make.

I have carefully abstained from mixing up those Indians who arrived before the Convention with those who are more specially entitled to my consular protection; but I have had no difficulty in procuring the same justice for the former as the latter when real occasion has required my interference.

I cannot disguise from your Lordship that the tide of immigration to this place is very much on the ebb, and the want of laborers is a matter of most serious anxiety to the planters and others; and I know not in what quarter the remedy will be sought should India supply so few immigrants as at present. Our own colony of Mauritius will soon be in the same plight, and I suppose from much the same cause, viz., the great local requirements of India itself for able workmen.

The same encouragements are not held out to our subjects here as in Mauritius; and there is a decidedly strong feeling here against any enlarged and permanent settlement being made by Her Majesty's Indian subjects. This question will, I consider, be one of great moment when the termination of the first five years' engagement arrives, and will require the most active supervision to secure the free egress of the Indian should he decline to re-engage.

Some months since I visited the principal quarters of the Island, and made it a point of enquiring into all the details connected with my special duties here. As a rule I had reason to be pleased, and when I had occasion to make suggestions, or even find fault with some of the arrangements on the estates of the most influential planters, every courteous attention was paid to my representations.

In my recent visit to Mauritius I did not fail to examine the system adopted towards our Indian subjects; and although I can scarcely hope ever to see exactly the same rules carried out here, I may, I think, venture to say any suggestions I may make, consistent with the laws and agricultural interest of the colony, will receive the most careful attention of the Administration of Réunion.

In conclusion, I can only venture to hope your Lordship will think I have carried out, as far as laid in my power, the instructions I had the honor to receive, and that Her Majesty's subjects have received from me all possible protection.

APPENDIX A.

1863.

Name of Ship.	Whence.	Date.	Embarked in India.	Deaths. At Sea.	Deaths. Lazareth.	Disembarked at Réunion. Men.	Women.	Children.	Total.	Remarks.
Janne Albert	Yanaon ...	24th January ...	382	0	0	289	55	38	382	
Canova	Madras ...	22nd May ...	433	0	0	284	93	56	433	
Suger	Yanaon ...	28th May ...	354	1	0	245	58	50	353	
Daguerre	Pondicherry	14th June ...	351	2	0	240	75	34	349	
Brave Lourmel ...	Ditto ...	23rd July ...	296	0	0	205	67	24	296	
Bailly de Suffren ...	Madras ...	26th July ...	367	1	0	261	65	39	365	
Futty Allum	Calcutta ...	11th August ...	291	5	4	219	55	9	283	Ship in bad and leaky state.
Canova	Yanaon ...	23rd September	429	1	0	283	95	50	428	
		Total ..	2,903	10	4	2,026	563	300	2,889	

(Signed) J. D. HAY-HILL,
Consul at Réunion.

APPENDIX B.

DEATHS, 1863.

Districts.	January.	February.	March.	April	May.	June.	July.	August.	September.	October.	November	December.	Total.
St. André	3	3	4	9	1	1	1	2	3	2	1	1	
St. Benoît.	8	7	5	8	7	3	6	5		1	3	4	
St. Denis	2	3	1	3	...	4	3	3	2	5	4	3	
Grande-chaloupe	...	...	...	...	...	...	...	3					
St. Joseph	...	...	...	...	...	1	...	1	...	2			
St. Lea	6	...	7	3	3	...	..	4	...	1	...	4	
St. Louis	1	2	5	2	5	1	1	2	2	1	2		
Ste. Marie	4	3	8	3	3	4	2	1	1	3	3	1	
St. Paul	4	4	2	6	3	...	1	1	3	...	1	1	
St. Philippe	7	2	2	1	2	...	..	...	...	1	...		
St. Pierre	2	3	2	3	5	2	2	..	2	...	1	2	
Possession	2	2	...	1	...	..	...	2	..	...	2		
Ste. Rose	6	..	3	6	7	4	2	...	2	2	2		
Ste. Suzanne	6	4	2	1	2	1	...	2	3	3	2		
Miscellaneous													
Total	51	33	41	46	38	21	18	26	18	21	21	16	350

BIRTHS, 1863.

St. André	...	...	...	2	...	...	1						
St. Benoît	...	1	...	1	...	...	...	...	...	1			
St. Denis	...	...	2	...	3	1	...	...	...	...	...	2	
Grande-chaloupe													
St. Joseph													
St. Lea	...	...	1	...	1	...	1						
St. Louis	1	...	...	1	1								
Ste. Marie	...	...	...	...	...	1	...	...	1	1			
St. Paul	2	...	...	...	1	...	...	...	...	...	1	1	
St. Philippe													
St. Pierre													
Possession	...	...	...	...	2	...	...	...	...	..	...	1	
Ste. Rose	...	1											
Ste. Suzanne	1	...	...	...	2	...	...	...	...	1	1		
Miscellaneous													
Total	4	2	3	4	10	2	2	...	1	3	2	4	37

APPENDIX C.

CONSULAT D'ANGLETERRE.

No. 186

Le

L'Indien porteur de la présente, nommé
sujet anglais, engagé au service de
est adressé à Monsieur le Commissaire
d'Immigration, pour que sa réclamation contre son engagiste soit vérifiée.

Le Consul de S. M. B.

PUBLIC WORKS DEPARTMENT.

Buildings for Troops.

Standing Orders, Public Works Department, for the year 1864.

No. 1.

Rules for Hiring Buildings for Troops.

The following rules are laid down for future guidance in substitution of those contained in paras. 3 and 13 of Chapter VII. of the P. W. Code, which are hereby cancelled :—

Cancels Code, Ch. VII, paras. 3 and 13.

1. It will be the duty of the officers of the Public Works Department, under the orders of the Government, or, in cases of emergency, of the local authorities, to provide quarters and all other necessary buildings, to the extent allowed by the regulations, for troops for public establishments entitled to and requiring accommodation and for the families of soldiers on actual service. For this purpose, the Executive Engineer will arrange, under sanction as above, by allotting public buildings which may be vacant, or which can be vacated, or by erecting, purchasing, or hiring buildings as according to his judgment may be most advantageous in each case; reporting his proceedings through the usual channel for the information of Government, and requesting previous sanction when there is time to do so.

The P. W. Dept. to erect, purchase, or rent buildings required for the accommodation of troops.

2. The renting of houses, when necessary, is to be strictly limited to buildings required exclusively for the accommodation of troops and for the families of soldiers, and is not to be extended to the provision of offices and such like miscellaneous wants, unless under the orders of Government previously obtained.

Only buildings required for troops to be rented by officers of the Public Works Department.

3. Should buildings be hired by the military authorities, without the intervention of the Engineer Department, and without the sanction of the Government of India, the Executive Engineer shall not be at liberty to defray the charge from the funds of this department until sanction is obtained.

Limit on authority to hire buildings for troops.

4. Excepting in the case of buildings required for the accommodation of troops, &c., as above limited, and for buildings required for the use of the Public Works Department, Executive Engineers shall in no case disburse the rent of hired premises, unless specially ordered to do so by the Government or Administration under which they are serving.

No. 2.

Collections from Tolls, or Ferries, or Bridges-of-Boats on Imperial Roads.

Under authority of Financial Department Resolution No. 516, dated 28th January 1864, the following rules are laid down for future guidance in substitution of those contained in Appendix H, pages 197 to 199 of the Public Works Code, which are hereby cancelled :—

Cancels rules in Appendix H of Public Works Code, pages 197 to 199.

1. All collections from tolls, or ferries, or bridges-of-boats on Imperial Roads, shall, like those on local roads, be dealt with as Local Revenue, from the commencement of the official year 1864-65, and both the receipts and charges will be shown, without deduction, in the Annual Budget Estimates of Local Funds and in the accounts based on them.

Collections from tolls, ferries, or bridges-of-boats to be dealt with as Local Revenue, and the receipts and charges to be shown in the Budget Estimates of Local Funds.

2. The cost of maintaining all ferries and bridges-of-boats and their approaches and all charges of collection shall be defrayed out of the income derived from such sources, and no such charges are to be allowed in the imperial accounts.

Cost of maintenance and charges of collection to be defrayed out of income derived from tolls, &c.

3. The surplus income will be available for appropriation to local public works under the authority of the local Government.

No. 3.

Exemption of Executive Engineers from attendance on ordinary Station Committees for barrack purposes.

It is notified for information that, with the view of relieving Executive Engineers from serving on station Committees for other than special and particular purposes connected with the Barrack Department, His Excellency the Commander-in-Chief has approved (Qr. Mr. General's Circular No. 12 B of 1864) of the formation of a Sub-barrack Committee in each station, whose duty it will be to survey and report upon all repairs to furniture and other minor matters at present attended to by the standing Committee.

A Sub-barrack Committee to be formed in each station.

2. The Sub-barrack Committee will be nominated monthly in station orders, and is to be constituted as follows :—

Officers to constitute the Sub-Committee.

PRESIDENT :

A Field officer not being in command of the station, if available, otherwise the next senior officer.

MEMBERS :

_____ Captain.

_____ Quarter Master.

The Barrack Master or, in his absence, a Barrack Sergeant to attend the Committee.

3. The standing Barrack Committee will only be referred to in cases of appeal from the Sub-Committee; it will also act on all important occasions, such as drawing up the Annual Report on accommodation requirements, and furnishing such special reports as may be called for by the Commander-in-Chief, or Government from time to time.

Cases in which the standing Barrack Committee are to act.

No. 4.

Savings on Estimates not to be applied to additional works unprovided for without authority.

It is to be clearly understood that the authority granted by a sanction to an estimate, must, on all occasions, be looked upon as strictly limited by the pre-

Savings on estimates not to be applied to additional works without authority.

cise objects for which the estimate was intended to provide; and accordingly any anticipated or actual savings on a sanctioned estimate for a definite project should not be applied to carry out additional work not contemplated in the original project, or fairly contingent on its actual execution, and not provided for in the estimate without special authority.

Supplementary or revised estimates when to be submitted.

Any development of a project thought necessary while a work is in progress, which is not fairly contingent on the proper execution of the work as first sanctioned, must be covered by a supplementary or revised estimate.

No. 5.

Half-yearly Distribution Returns of Public Works Establishments.

Cancels last sentence of para 4 of P. W. D. Circular No. 78 of 1861.

The following rule is laid down for future guidance in substitution for that contained in para. 4 of Public Works Department Circular No. 78 of 1861, the last sentence of which paragraph is hereby cancelled:—

Names of all officers to appear in Distribution Returns; absentees in red ink.

The names of officers on leave or deputation, as well as those actually employed in stations or divisions, should be inserted in the Distribution Return, but the names of absentees should be entered in red ink.

Plate-laying in the Punjab Railway.

Progress Report of Plate-laying for the month ending January 1864.

	Miles.	Chains.		Plate-laying required.	Previously		This Month		Total		Remarks.
					Linked in.	Completed	Linked in.	Completed.	Linked in.	Completed.	
			District No. 1.	M. C.							
From	...	72	Main Line at Lahore Station	30 73	30 73 0	30 73 0	.....	.....	30 73 0	30 73 0	
To	31	65	Umritsur Station								
			District No. 2.								
From	...	72	Main Line at Lahore Station	53 8	48 70 0	48 40 0	0 50 0	0 30 0	49 40 0	48 70 0	
To	54	...	" towards Mooltan								
			District No. 3.								
From	54	...	Main Line	56 0							
To	110	...	" towards Mooltan								
			District No. 4.								
From	110	...	Main Line	56 0	24 0 0	.....	.....	.....	24 0 0		
To	166	...	" towards Mooltan								
			District No. 5.								
From	166	...	Main Line	54 30	46 50 0	41 30 0	5 0 0	3 0 0	51 50 0	44 30 0	
To	220	30	Sher Shah Terminus, 11½ miles beyond Mooltan Station.								
			Total for Main Line ...	250 31	150 33 0	120 63 0	5 50 0	3 30 0	155 3 0	124 13 0	
			Station Yards and Sidings ...	30 67	15 8 3	10 49 10	0 59 88	0 39 88	15 67 91	11 8 98	
			Total ...	281 18	165 41 3	131 32 10	6 69 88	3 69 88	171 70 91	135 21 98	

GEORGE STONE,

for Chief Engineer.

LAHORE,

The 7th March 1864.

Government of Bengal.

Waste Lands.

From F. R. COCKERELL, Esq., Offg. Secy. to the Govt. of Bengal, to the Secy. to the Govt. of India, Home Dept.,—(dated the 17th February 1864.)

In reply to your letter No. 7940, dated 15th December last, which was forwarded to the Board of Revenue for early report with reference to the previous correspondence on the subject of Waste Lands, I am now directed to submit, for the consideration and orders of the Governor General in Council, copy of a communication from the Board, No. 26, dated the 19th ultimo, with the following observations :—

2. The Waste Land Rules passed by the Lieutenant Governor on the 30th August 1862, declared that no fresh applications for grants of Waste Land, under any previous Rules, would be entertained.

3. In May last, Mr. Ladd asked for a grant of lands in the Soonderbuns under the old Rules with liberty to redeem under the new Rules at any future period. He pointed out that capitalists would not purchase land in the Soonderbuns at the minimum price of two Rupees eight annas an acre, the risk of life and money being too great, and expressed his desire for a grant of lands there without purchase, but on the conditions that the lands should be cleared within a given time, that a light assessment should be laid on the lands when brought into cultivation, and that this assessment should be redeemable at the option of the grantee.

4. The Board, to whom Mr. Ladd's letter was referred, did not recommend any relaxation of the Rules in his favor, and the Lieutenant Governor declined at that time to entertain his application. Subsequently, Dr. Barry applied for a grant of Waste Land in Chittagong for planting Tea and Coffee. As this was the first indication of a contemplated attempt to clear the Waste Lands in that District, Dr. Barry asked that a tract of 6,000 acres might be given him in fee-simple at one Rupee an acre, such land being available, as he alleged, on those terms in the adjoining District of Arrakan. The Commissioner of Chittagong, to whom the application was made in the first instance, could not of course accede to it; but he suggested that the land might be granted on a settlement either in perpetuity or for a long term of years, the Revenue being redeemable, and in addressing the Government he recommended that the Waste Lands of Chittagong, which are practically unsaleable under the Rules of 1862, might be leased for long periods. The Lieutenant Governor was unable to accede to Dr. Barry's request, and the Commissioner was informed that, though the Rules of 1862 precluded the Government from entertaining applications for *grants* of Waste Lands under those Rules, yet he was at liberty to let Waste Lands, like any other Government lands, on temporary and terminable leases, conveying no proprietary right and not commutable, provided the area included in any one lease do not exceed 3,000 acres, and that the period of the lease do not exceed thirty years. It is not likely, however, that any capitalist will be induced to invest capital in the clearance of land for Tea Cultivation on these terms.

5. With reference to the question now put by the Government of India, whether the Lieutenant Governor would propose to modify in any way the arrangements now in force for the disposal of Waste Lands in the Soonderbuns, I am desired in the first instance to remark that the value of reclaimed lands in the borders of the Soonderbuns does not, as the Board seem to suppose, afford any measure of the value of uncleared lands situated within the jungle tract, and that, notwithstanding the sale of the Toshakallee Estate at a fair price, it is a fact that since the promulgation of the Rules of 1862 no applications for Grants of Waste Land in the Soonderbuns have been received. The new Rules, as the Board themselves observe, have checked applications there altogether.

6. This result is easily accounted for. Besides the fact asserted in the correspondence, and probably correct, that the uncleared lands in the Soonderbuns are not worth two Rupees eight annas an acre, there can be no doubt that the new Rules do operate to prevent men of small capital from embarking in the clearance of Waste Lands, and that there are many who, though they possess the means of clearing and cultivating land, if granted to them free of cost, but subject to assessment at a future time, cannot afford to pay even the minimum price of two Rupees eight annas an acre, much less the higher price which at Darjeeling and in some parts of Assam is obtained by competition, even though it be taken in instalments extending over ten years.

7. While, however, the Lieutenant Governor would not propose to revert to grants under the old Rules in those Districts in which there is an effective demand for Waste Lands under the new, he would for the present give to applicants in the Soonderbuns and in Chittagong, in all cases in which after due advertisement there is no competition, the option of either taking lands under the new Rules, or of taking them as under the old Rules without payment, but subject to the former conditions as to clearance and, after a certain rent-free period, to a gradually increasing assessment, culminating in a permanent jumma of two annas a Bengal Beegah of 1,600 square yards, or six annas an acre, redeemable at any time at the option of the grantee.

8. This plan would no doubt tend to stimulate the clearance of Waste Lands, and the extension of cultivation, in places where such clearance is much to be desired, but where under the new Rules it is found to be impracticable; and, if the Government of India should concur in this view, Rules will be framed without delay for giving effect to it.

From E. C. BAYLEY, Esq., Secretary to the Government of India, Home Department, to F. R. COCKERELL, Esq., Officiating Secretary to the Government of Bengal,—(dated the 5th March 1864.)

I am directed to acknowledge the receipt of your letter No. 659, dated the 17th ultimo, and in reply to state that the Governor General in Council readily accedes to the proposed modification, in the Soonderbunds and in Chittagong only, of the arrangements now in force for the disposal of Waste Lands.

Government of Madras.

Chinchona Operations on the Neilgherries.

Report on the Number, Distribution, and Condition of Chinchona Plants on the Neilgherries, on the 31st January 1864.

Species.	Botanical Names.	Commercial Names.	No. of Plants.	Value per lb. of Dry Bark in the London Market.	Remarks.
				s. d. s. d.	
1	C. Succirubra ...	Red Bark ...	88,424	2 6 to 8 9	The number of plants permanently planted out remain as formerly, viz., 66,622.
2	C. Calisaya ...	Yellow Bark ...	1,766	2 10 to 7 0	
3	C. Officinalis Var Condaminea (C. Uritusinga)	Original Loxa Bark ...	6,434	2 10 to 7 0	The increase by propagation during the month is 16,117, being 633 plants under the average results of the last six months, making the total number of plants at the end of the month 2,91,607.
4	Do. Var Bonplandiana (C. Chahuarguera)	Select Crown Bark ...	1,68,518	2 10 to 7 0	
5	C. Crespilla ...	Fine Crown Bark ...	1,589	2 10 to 6 0	
6	C. Lancifolia ...	Pitayo Bark ...	6	1 8 to 2 10	
7	C. Nitida	Genuine Grey Bark ...	8,406	1 8 to 2 9	
8	C. Species without name ...	Fine Grey Bark ...	2,745	1 8 to 2 10	
9	C. Micrantha ...	Grey Bark ...	10,145	1 8 to 2 9	
10	C. Peruviana... ...	Finest Grey Bark ...	3,149	1 8 to 2 10	
11	C. Pahudiana ..	Unknown ...	425	Worthless.	
		Total number of plants	2,91,607		

TABLE II.

Memorandum of the growth of eleven Plants of C. Succirubra, Planted on the 2nd Denision Plantation, at Neddivuttum, on the 30th August 1862.

No. of Plants.	Height in inches when planted on the 30th August 1862.	Height in inches on the 31st December 1863.	Height in inches on the 31st January 1864.	Growth in inches during January 1864.	By whom planted.	REMARKS.
No. 1	23	93	94	1	His Excellency Sir William Denision.	Table II exhibits the growth of eleven plants planted out by His Excellency the Governor and other gentlemen at Neddivuttum, on the 30th August 1862. The average growth of these plants during the month is about 1 inch or $\frac{3}{11}$th inches below the growth of last month.
„ 2	16½	86	86	0		
„ 3	19	81	82	1		
„ 4	15	86	87	1		
„ 5	27	99	102	3		
„ 6	20	74	74	0		
No. 7	20	90	91	1	J. W. Breeks, Esq.	
„ 8	18	89	90	1	Dr. Sanderson.	
„ 9	20	89	89	0	J. D. Sim, Esq.	
„ 10	20	94	96	2	Lieutenant McLeod.	
„ 11	18	87	87	0	P. Grant, Esq.	
„ 12	0	21	28	7	Plank cut down for bark.	

TABLE III.

Showing the height of twelve plants of C. Officinalis Planted on the Dodabetta Plantations at Ootacamund, on the 30th September 1863.

No. of Plants.	Height in inches when planted on the 30th September 1863.	Height in inches on the 31st December 1863.	Height in inches on the 31st January 1864.	Growth in inches during January 1864.	REMARKS.
No. 1	19	28	31½	3½	One of the two plants cut down on the 20th of March last, for the bark submitted to Mr. Howard for analysis has been injured by the frost, the tender points and young leaves being destroyed. This plant was placed on the highest and coldest point of the Neddivuttum Plantation (elevation 6,200 feet). The other plant planted at the lowest point of the plantation (elevation 4,900 feet) has made strong shoots of 28 inches in height, giving an average growth during the month of 7 inches, or 5 inches above the average growth of last month.
„ 2	14½	22	25	3	
„ 3	28	41	44½	3½	
„ 4	22	30	33	3	
„ 5	21½	29	31½	2½	
„ 6	28	38	40½	2½	
„ 7	22½	29½	32½	3	
„ 8	21½	32½	35	2½	
„ 9	21½	32	35½	3½	
„ 10	19½	29	32½	3½	
„ 11	24	31	34½	3½	
„ 12	24	30	32½	2½	

TABLE IV.

Memorandum of Chinchona Plants distributed.

Names.	Station.	No. of plants.
Mr. F. N. Maltby	Travancore ...	16
Dr. Junghun	Java ...	56
Mr. A. R. Lascelles ...	Ootacamund ...	12
Mr. M. Anderson	Jamaica ...	2
Dr. Wiehe	Bombay ...	10
Dr. T. Anderson	Calcutta ...	554
Dr. Jamieson	Saharanpore ...	107
Professor Lees	Calcutta ...	61
Rajah of	Travancore ...	521
Major Morgan	Ootacamund ...	216
Mr. E. T. Fitzgerald ...	Calcutta ...	261
Mr. J. W. Money	Ditto ...	581
Dr. W. Bourne	Ditto ...	420
Captain Cox	Wainad ...	6
Mr. Hallock	Ditto ...	2
Mr. T. Sheffield	Ootacamund ..	2
Dr. F. Day	Cochin ...	100
Mr. Brown	Tellicherry ...	12
Mr. J. Hall	Ootacamund ...	144
Mr. J. Knop	Ditto ..	18
Captain Lees	Bengal ...	281
Mr. W. H. Rayne	Manantoddy ...	24
Reverend Sawyer	Ootacamund ..	18
Mr. Friend	Ditto ...	12
Mr. Hallock	Ditto ...	1
Mr. Perie	Seegoor ...	12
Colonel Scott	Ootacamund ...	212
Mr. F. Berend	Cachar ...	275
Reverend J. Hunter ...	Coonoor ...	12
Mr. J. Mullaly	Ditto ...	24
Mr. W. H. Stanes	Ditto ...	12
Col. R. Cooper	Kotagherry ...	12
Mr. F. Cockburn	Ditto ...	12
Colonel Woodfall	Coonoor ...	12
Mr. C. Anderson	Ditto ...	24
Colonel Angelo	Ootacamund ...	12
Reverend E. Laseron ...	Ditto ...	12
Captain R. N. Taylor ...	Coorg ...	96
Major W. Agnew	Assam ...	139
M. V. H. Levinge... ...	Madura ...	12
Chief Commissioner ...	Nagpore ...	28
Mr. Fletcher	Ootacamund ...	24
Gool Mahomed	Ditto ...	20
General McCleverty ...	New Zealand ..	23
Mr. W. Robinson	Kotagherry ...	6
Mr. Crake	Wainad ..	12
Mr. H. R. Dawson... ...	Seegoor .	12
Captain Mann	Coorg ...	36
Mr. H. Roberts	Ootacamund ...	6
Mr. H. Rossall	Wainad ...	12
Reverend Wait	Coonoor ...	2
Mr. H. de Facien	Katarry ...	2,761
Collector of	Belgaum ...	28
Collector of	Honore ...	28
Dr. Ross	Ditto ...	15
His Excellency the Governor of	Bombay ...	158
Mr. A. Hinde	Wainad ...	12
Mr. E. B. Thomas	Coonoor ...	12
Rajah of	Poonganoor ...	12
Dr. Bourne	Calcutta ...	112
Messrs. Thomson Shaw & Co. ...	Ditto ...	28
Mr. T. H. Transon... ...	Ditto ...	31
Professor Lees	Ditto ...	486
Dr. Mueller	Melbourne ...	28
Mr. Tyrrell	Mysore ...	12
Dr. Sayers	Vellore ...	12
Mr. H. de Facien	Katarry ...	884
	Total No. of plants	9,125

Remarks.

The twelve plants of Chinchona Officinalis (a shrub-by species) on the Dodabetta Plantations gives an average growth of 3 inches during the month, or ¼ inch above the growth of last month.

The number of plants issued to the public is 1,593, making the total number of plants distributed 9,125.

The cold and draught of this month has been unusually severe and accompanied by high parching winds, and the effect on the plants is very interesting and instructive. The Chinchona Succirubra at elevations above 5,600 feet have entirely ceased to grow, and assume the appearance of plants wintering or in state of rest; under this elevation there has been a slight growth increasing gradually as the elevation descends, until (as noted above) the extraordinary growth of 7 inches has been attained at the lowest elevation. The same effect has also been observed in our Dodabetta Plantation, the lowest part of which is 7,830 feet elevation, and the highest point 8,300 feet. Upon this site both at high and low elevations the C. Succirubra and Micrantha, &c., have assumed an entire state of rest, but being planted in sheltered positions have not suffered from the frost. The highest and most exposed parts of this site is entirely occupied by the C. Officinalis and its varieties; here the tender leaves and young shoots of a few of the plants have been injured by the frost; and the whole of the plants have assumed a state of rest, while at the lower elevation of 8,000 feet this hardy species begins to maintain its growth until at 7,830 feet elevation the average growth of 3 inches has been attained.

round of the various stations at stated intervals, and measure the amount of rain collected by the gauges.

28. The observations are not entirely satisfactory, inasmuch as they were commenced at different dates, on account of the scarcity of gauges existing when the order was issued, only a week or so previous to the setting in of the monsoon. I have tried to remedy this by calculating the ratio of rain-fall gauged at certain stations from the first during the period when, at certain other stations, the gauging had not commenced, and adding a proportional amount to each imperfect return. This calculated portion I have entered at the bottom of each return on the accompanying Statement.

29. I would therefore beg to propose that the same series of observations may be repeated in the ensuing monsoon, in order that the present returns may be verified.

No. I.—RIDGE BETWEEN WESTERN GHAUTS AND KAMATKEE.

Ambarkhind.	Mandurdeo.	Ballaghur.	Yelloo.
14 *Miles.*	17 *Miles.*	20 *Miles.*	23 *Miles.*
11·51 8th June.	8·68 8th.	8·84 10th.	1·25 20th.
16·63	14·60	8·39	3·18
16·07	17·95	10·95	4·57
6·00	07·35	3·53	2·41
50·21	48·58	31·71	11·41
·80	·50	·50	·60
51·01	49·08	32·21	12·01

No. II.—RIDGE BETWEEN WESTERN GHAUT AND WYRATGHUR.

Aokali.	Panchgunny.	Wyratghur.
8 *Miles.*	12 *Miles.*	20 *Miles.*
44·57 18th June.	20·29	3·06 23rd.
62·59	14·65	4·77
66·29	11·37	7·99
4·37	3·49	0·84
177·82	49·80	16·66
·13		5
190·82		21·66

No. III.—RIDGE BETWEEN WESTERN GHAUT AND MEROOLING.

Deo Der.	Koombahargunny.	Merooling.
16 *Miles.*	19 *Miles.*	24 *Miles.*
20·90 14th June.	.....	14·01 15th.
16·24	8·21 19th.	20·68
19·70	18·50	16·29
3·52	2·15	3·14
60·36	28·86	54·12
3	32	1
63·36	60·86	55·12

No. IV.—RIDGE BETWEEN WESTERN GHAUT AND FORT HILL.

Malcolm Peith.	Moleshwur.	Galdeo.	Kass.	Petree.	Euteshwur.	Sattara Fort.
2 *Miles.*	11 *Miles.*	15 *Miles.*	14 *Miles.*	18 *Miles.*	23 *Miles.*	26 *Miles.*
78·35	63·95 14th.	41·83 18th.	67·39 10th.	30·94 14th.	25·71 14th.	21·51
92·99	53·32	51·31	51·38	17·34	18·22	13· 5
64·32	76·46	56·95	75·92	19·[illegible]8	20·34	15·25
17· 5	5·41	7·13	6·46	3·17	2·27	1·45
252·71	199·14	157·22	201·15	70·53	66·54	51·26
	8	13	3	4	1	
	207·14	170·22	204·15	74·53	67·54	

No. V.—RIDGE BETWEEN WESTERN GHAUT AND PANCHGUNNY, PATUN TALOOKA.

Mulla.	Panchgunny.	Koombaharla Ghaut.	Helwank.	Patun.
2½ *Miles.*	8 *Miles.*	2½ *Miles.*	5 *Miles.*	16 *Miles.*
81·89 12th.	.....	58·49 15th June	47·29 1st.	34·04 1st.
120·96	43·55 1st July.	83·61	69·40	17·38
113·89	50· 3	81·10	69·71	9·02
15·53	7· 0	14·52	11·28	2·20
332·27	100·58	237·72	197·68	72·64
5	30	6	4	
337·27	130·58	243·73	201·68	

NOTE.—The dates show on what day the registration was commenced at each Station.
The number of miles shows the distance in a direct line from the edge of the Ghauts.
The figures added at the bottom are computed as explained in paragraph 28 of the Report.

Report on the character and prospects of the Monsoon for 1863-64.

From W. HART, Esq., Revenue Commissioner, Southern Division, to the Hon'ble A. D. ROBERTSON, Esq., Officiating Chief Secretary to Government,—(dated the 6th February 1864.)

I have the honour to submit my Report on the general character and prospects of the Monsoon for 1863-64 in the several collectorates of the Southern Division, except Canara, the Collector of which district has not yet sent me his report on the subject.

2. Although, with the exception of the Rutnagherry Collectorate, the fall of rain in the other collectorates of the Southern Division was at the beginning of the monsoon generally scanty and insufficient, there was later in the season a more general and satisfactory fall throughout the several collectorates, excepting only in the talookas of Indapoor and Bheemthurry of the Poona Collectorate, and in some parts of the talookas of Kurjut and Seroor of the Ahmednuggur, of Maun, Malseerus, and Punderpoor of the Sattara Collectorate, and in some villages of the Kurmalla talooka of Sholapoor adjoining the Bheema River. The failure of rain in the talookas of Indapoor and Bheemthurry has been so seriously detrimental to the crops that Government have been obliged to authorise the carrying on of public works in these talookas for the relief of the people. With the above exceptions the season may be regarded as on the whole an average one for agricultural purposes in all except the Rutnagherry Collectorate, in which alone it has been generally favourable.

3. As regards the state of public health, cholera was, I regret to say, more or less prevalent in every collectorate of the Southern Division, and fever and ague of a bad type were also prevalent in the Western Districts of Dharwar and Belgaum. An unusually severe visitation of cholera occurred in the city of Poona, in the month of November last, which was clearly one of the mischievous effects of the Allundee Juttra.

4. Cattle disease appeared in parts of the Ahmednuggur, Rutnagherry, Dharwar, and Sholapoor Collectorates, but excepting in the Rutnagherry Collectorate, in which about 675 head of cattle are reported to have died from it, it prevailed only to a trifling extent.

5. I append to this letter the usual Statement showing the quantity of rain stated to have been gauged at the several stations at which Pluviameters are kept in the Southern Division. I cannot say anything about the accuracy of this Statement, except that I have no confidence in it.

Memorandum showing the Fall of Rain as registered during the Moonsoon Season of 1863-64 *in the Collectorates of the Southern Division.*

Collectorate.	Names of Pluviametrical Stations.	Quantity gauged during the Season.	
		Inches.	Cents.
Poona.	Joonere ...	16	63
	Brahminwara ...	23	76
	Pabul ...	16	67
	Khair ...	15	40
	Ghorey ...	14	63
	Khurkalla ...	95	12½
	Pour ...	56	45
	Civil Hospital, Poona ...	21	...
	Sassoor ...	1	87
	Soopa ...	5	26
	Kullas ...	3	11
	Patus ...	9	87
Ahmednuggur.	Ahmednuggur ...	18	21
	Ankola ...	22	59
	Jamkheir ...	24	14
	Parneir ...	25	44
	Seeroor ...	8	98
	Kurjut ...	11	1
	Newassa ...	22	59
	Yeola ...	16	69
	Kopurgaum ...	15	25
	Sungumneir ...	16	4
	Rahooree ...	23	18
	Sheogaum ...	23	10
	Nassick ...	25	54
	Chandore ...	24	94
	Neephad ...	18	98
	Sinnur ...	19	86
	Dindoree ...	33	69
	Kaonaee ...	163	28
	Peint ...	102	61
	Vinchoor ...	17	17

Collectorate.	Names of Pluviametrical Stations.	Quantity gauged during the Season.	
		Inches.	Cents.
SHOLAPOOR.	Civil Hospital, Sholapoor...	24	36
	Mundroop ...	15	18
	Barsee ...	25	70
	Mareh ...	20	10
	Mohole ...	11	86
	Kurmalla ...	14	21
	Indee ...	21	29
	Chudchun ...	19	67
	Hippurga ...	20	77
	Almella ...	21	81
	Mungolee ...	17	41
	Moodebehal ...	18	15
	Beejapoor ...	15	65
RUTNAGHERRY.	Civil Hospital, Rutnagherry	91	18½
BELGAUM.	Civil Hospital, Belgaum ...	36	39
	Sumpgaum ...	8	80
	Beedee ...	29	95
	Chikoodee ...	15	97
	Purusghur ...	10	39
	Bagulkote ...	14	38
	Badamee ...	8	78
	Hoongoond ...	12	99
	Gokak ...	11	86
	Uthnee ...	12	3

Collectorate.	Names of Pluviametrical Stations.	Quantity gauged during the Season.	
		Inches.	Cents.
DHARWAR.	Dharwar ...	21	2
	Moogud ...	29	20
	Hooblee ...	12	38
	Raneebednoor ...	9	67
	Kurujgee ...	13	22
	Misreekote ...	15	81
	Roan ...	18	66
	Nowlgoond ...	8	69
	Nurgoond ...	9	30
	Seegaum ...	17	80
	Hangul ...	25	94
	Rutteehully ...	15	81
	Gudug ...	10	43
	Dumbul ...	11	37
SATTARA.	Mahabuleshwur ...	277	75
	Patun ...	88	54
	Jaolee ...	71	30
	Sattara ...	44	72
	Waee ...	30	47
	Walwa ...	15	25
	Koregaum ...	30	56
	Targaum ...	26	92
	Kurrar ...	30	64
	Tasgaum ...	32	80
	Khanapoor ...	16	69
	Khutao ...	15	48
	Maun ...	12	36
	Malseerus ...	9	41
	Punderpoor ...	16	52

W. HART,
Revenue Commissioner, S. D.

No. 27 OF 1864.

Statement showing the State of the Weather and Crops, and the General Prospects of the Season of 1863-64 *in the Northern Division.*

Name of the Collectorate.	State of the Weather and Crops, as per Collector's Report.	State of Public Health, as per Collector's Report.
SURAT ...	The Monsoon commenced as usual in June, and the Ryots proceeded with agricultural operations. Although the fall of rain in July and August was not very heavy, yet it gave vigour to the crops and prevented them from withering. The slight rain which fell at the end of September and in the beginning of October has to a certain extent given strength to the Khurreef crops, and it is presumed that the out-turn of these crops will be rather more this Season than in the preceding one. That of the Rubbee and Bagayet crops is expected to be more than in last Season. On the whole it is anticipated the Season will prove a favourable one.	No cholera or other epidemic prevailed in the Zilla during the year under report; but slight fever prevailed in Mandvee, Chikhlee, Bugwara, and Bulsar. Cattle were not affected with small-pox.

Statement showing the State of the Weather and Crops,—continued.

Name of the Collectorate.	State of the Weather and Crops, as per Collector's Report.	State of Public Health, as per Collector's Report.
AHMEDABAD ...	The Rice crops suffered to some extent owing to scarcity of rain in September, but the cultivators exerted themselves in supplying water from wells and rivers, and the produce came up to about 75 per cent. of what might otherwise have been expected. For the same reason the crops of Jowaree, Bajree, Muth, and other pulses, sustained damages to the extent of 25 per cent. Wheat and Gram will also suffer for want of rain in the concluding months of the monsoon. Cotton has been extensively grown this year, but the produce will be affected by the above circumstance, especially in Veerungaum. In Purantej the Bajree crop was spoilt by too much rain in the months of June and July; but it is hoped that the moisture in the earth will assist the production of Wheat and Gram.	The health of the population was good, and the cattle free from disease. Fever was somewhat prevalent in the month of September.
KAIRA ...	The monsoon commenced on the 8th June, and sufficient rain fell during this month for ploughing and sowing operations. In the two following months the rain that fell was sufficient for sowing operations and for the growth of the crops, with the exception of Rice. More rain was required for these corps, and the transplanting in the Mehmoodabad District, in particular, was interrupted and retarded owing to the deficiency of rain. In the following month there was little rain, but what fell proved sufficient for the growth of the principal crops, viz., Bajree, Jowaree, &c., the early sown Kodra, Bhavta. For the later-sown crops of the latter it was deficient; and the Rice crops suffered more or less from want of sufficient moisture, particularly where water for irrigation was not available. Upon the whole the prospects of the season may be pronounced favourable as far as regards the Khurreef harvest, the Rice, and the early-sown Kodra, Bhavta, Toower, &c., being the only crops that are reported to have suffered more or less from insufficiency of rain. More rain was required for the Rubbee cultivation, and in consequence of the deficiency, the Wheat and Gram crops will probably not be equal to those of last season.	With the exception of fever, which has been prevalent, especially in some of the large towns and villages, the general health has been good.
KHANDEISH ...	With the exception of the district in the neighbourhood of Dhoolia, which has received a singularly small fall of rain, the whole of the Khurreef crops are unusually fine. The Cotton crop will be a very large one; though, if the present threatening whether should result in a heavy fall of rain, it will suffer much damage. The Rubbee crops will probably be good; though it is impossible to speak of time at this period of the year with any certainty.	

Statement showing the State of the Weather and Crops,—concluded.

Name of the Collectorate.	State of the Weather and Corps, as per Collector's Report.	State of Public Health, as per Collector's Report.
TANNA ...	The monsoon of this year appears to have been on the whole most favourable for every description of crops. The fall of rain has been sufficient and seasonable. The crops are reported to be good throughout the districts of the principal division, and most of the early crops are said to be ready for reaping.	The public health throughout the principal division can be said to have been moderately good during the season. Cholera prevailed for short times in towns and villages, but the extent of the mortality from the disease, if not inconsiderable, cannot be said to be unusual. Death amongst cattle from epidemics is also not reported to be above the average.
COLABA SUB-COLLECTORATE ...	The fall of rain throughout the Sub-Collectorate during the past monsoon has been abundant and seasonable. The season is favourable, with the exception of a few places in Talookas Alibaug and Rajpooree, and in Petta Beerwaree, Talooka Ryghur, where crops are reported to have suffered, but to a slight degree, by blight.	Cholera prevailed to a slight extent in a few villages in Talookas Alibaug and Rajpooree, with the exception of the town of Alibaug, where it was rather considerable. A few cattle were carried off by disease in some villages in Talooka Sanksee, Petta, Nizampoor, Talooka Rajpooree, and Petta Beerwaree, Talooka Ryghur.

B. H. ELLIS,
Revenue Commissioner, N. D.

Oran, 8th January 1864.

From M. J. SHAW STEWART, ESQ., Collector of Canara, to W. HART, ESQ., Revenue Commissioner, S. D.—(dated the 2nd February 1864.)

I have the honor to report that the monsoon of 1863 was favorable beyond the average as regards seasonable and plenteous fall of rain. The crops have turned out well, and the people are satisfied with their harvest.

2. Below the ghauts there was little fever during the rainy months, and there has been little or no sickness since. On the ghauts and in the jungles on their crest there has been a great decrease in the number of new fever cases, but those attacked with fever during the previous year continue to suffer greatly from its effects. Swelled-bellies and sallow-faces, and complete loss of strength, are the symptoms by which the disease shows its effects, even after it has actually ceased to appear as fever.

3. I regret to say that in the districts further East beyond the immediate vicinity of the ghauts the fever has been very severe during the whole year of 1863. At Hullial and Moondagode many deaths occur every month. I think that the extreme virulence of the attack is now abating.

4. A good deal of land has been thrown up in consequence of death and illness, especially in the Moondagode District.

6. The fall of rain during 1863 was as follows :—

	Fall of Rain.	
	Inches.	Cents.
Soopa	107	28
Yellapoor	82	16
Sirey Cutcherry	93	81
„ Hospital...	107	81
Honore Cutcherry	148	82
„ Hospital...	147	18
Carwar Cutcherry	129	77
„ Hospital...	112	.....

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SATURDAY, APRIL 16, 1864.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

Act No. XV of 1864.

An Act to amend Act VIII of 1851 (for enabling Government to levy Tolls on Public Roads and Bridges).

Preamble.

Whereas by Act VIII of 1851 *(for enabling Government to levy Tolls on Public Roads and Bridges)* authority was given for the levy of certain rates of Toll, not exceeding the rates mentioned in the Schedule annexed to that Act; and whereas it is expedient to make certain alterations in respect to the rates in the said Schedule mentioned; it is enacted as follows :—

Schedule of Act VIII of 1851 repealed, and another Schedule substituted.

I. In any place to which this Act shall be extended by the local Government, the Schedule to the said Act VIII of 1851 shall be of no effect except as to any proceedings pending at the time at which this Act shall be so extended, and except as to any rate of Toll levied theretofore: and all the provisions of the said Act, applicable or referring to the rates of Toll mentioned in the said Schedule, shall be applicable and refer to the rates of Toll mentioned in the Schedule to this Act annexed, which shall be read with and taken as part of the said Act VIII of 1851.

Collectors of Tolls may compound for Tolls leviable under Act VIII of 1851 or this Act.

II. Any person entrusted with the management of the collection of Tolls under Act VIII of 1851, may in his discretion compound for any period not exceeding one year with any person for a certain sum to be paid by such person for himself or for any vehicle or animal kept by him, in lieu of the rates of Tolls specified in the Schedule to the said Act VIII of 1851 or in the Schedule to this Act.

This Act where to have operation.

III. The local Government may extend this Act to any place in which the said Act VIII of 1851 is in force: and the local Government of any place in which the said Act VIII of 1851 is not in force may extend the said Act VIII of 1851 and this Act to such place.

"Local Government."

IV. For the purposes of this Act, the words "Local Government" shall denote the person authorized by law to administer Executive Government in any part of the territories vested in Her Majesty by the Statute 21 and 22 Vic, cap. 106, entitled "An Act for the better Government of India."

SCHEDULE.

	Rs.	A.	P.
On every four-wheeled Carriage -	2	0	0
On every two-wheeled Carriage -	1	0	0
On every Ekka - - -	0	4	0
On every hackery on springs -	0	2	0
On every cart and hackery not on springs drawn by eight bullocks, buffaloes, horses, ponies, asses, or mules, if laden - - -	1	8	0
Ditto, if not laden - -	0	8	0
On every cart and hackery drawn by six bullocks, buffaloes, horses, ponies, asses, or mules, if laden - -	0	12	0
Ditto, if not laden - -	0	6	0
On every cart or hackery drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden - -	0	8	0
Ditto, if not laden - -	0	4	0
On every cart and hackery drawn by two bullocks, buffaloes, horses, ponies, asses, or mules, if laden - -	0	4	0
Ditto, if not laden - -	0	2	0
Buffaloes or bullocks, per head, if laden	0	1	0
Ditto, if not laden - -	0	0	6
On every elephant - -	1	8	0
On every camel, if laden - -	0	8	0
Ditto, if not laden - -	0	4	0
On every horse, if laden or ridden -	0	1	6
Ditto, unladen or led - -	0	0	9
On every tattoo or mule, if laden or ridden - - -	0	0	9
Ditto, unladen or led - -	0	0	6
On every ass, if laden or ridden - -	0	0	6

	Rs.	A.	P.
Ditto, unladen or led - -	0	0	3
On every sheep, or goat, or pig -	0	0	1
On every palankeen, doolie, palna, or tonjon, with eight bearers -	1	0	0
Ditto, with six bearers - -	0	12	0
Ditto, four bearers - -	0	8	0
Ditto, two bearers - -	0	4	0
On every foot passenger - -	0	0	3

N. B.—Animals drawing any vehicle for which Toll can be demanded are not to be also charged with Toll.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India, Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

ACT No. XVI OF 1864.

An Act to provide for the Registration of Assurances.

Preamble.

Whereas it is expedient to consolidate and amend the laws relating to the Registration of Assurances; It is enacted as follows :—

REPEAL OF REGULATIONS AND ACTS.

Laws repealed.

I. The Regulations and Acts and parts of Regulations and Acts set forth in the Schedule annexed to this Act are hereby repealed to the extent mentioned in the said Schedule, except in so far as such Regulations or Acts rescind other Regulations or Acts, and except as regards Instruments duly registered under them or any of them before the date on which this Act shall come into operation.

Repeal of laws in Non-Regulation Territories.

II. From the date on which this Act shall be extended as hereinafter provided to any part of British India in which the Regulations and Acts mentioned in the Schedule annexed to this Act are not in force, all Rules and Regulations relating to the Registration of Assurances in force in such part of British India shall cease to have effect, except as regards Instruments duly registered under any of the said Rules or Regulations in such part of British India.

DEFINITIONS.

Interpretation.

III. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction—that is to say :—

"British India."

The words "British India" denote the Territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic, cap, 106, entitled "An Act for the better government of India," except the Settlement of Prince of Wales' Island, Singapore, and Malacca:

"Local Government."

The words "Local Government" denote the person or persons authorized by law to administer the executive Government in any part of British India:

"Year" and "month."

The words "year" and "month" denote a year or month respectively by the British Calendar:

"Section."

The word "Section" denotes a Section of this Act:

Number.

Words importing the singular number include the plural number; words importing the plural number include the singular number:

Gender.

Words importing the masculine gender include females.

Governor-General of India may vest in the Head Executive Officer of any Territory under his immediate administration, the powers conferred by this Act.

IV. It shall be lawful for the Governor-General of India in Council, by an order to be published in the Gazette of India, to declare that in any Territory under the immediate administration of the Government of India the Head Executive Officer of such Territory shall exercise the powers vested by this Act in the local Governments, and thereupon such Officer shall, for the purposes of this Act, be the local Government of such Territory as defined in this Act.

REGISTRATION ESTABLISHMENT.

General Register Office.

V. Every local Government shall establish within the Territories subject to such Government, at such place as to it shall seem fit, an Office to be called the General Register Office, and shall appoint an Officer to the charge of such Office, who shall be the Registrar General of the Territories for which he is appointed. Nothing in this Act contained shall make it unlawful for any Registrar General to hold simultaneously any other Office to which he may be appointed by the local Government.

Formation of Districts and Sub-Districts.

VI. For the purposes of this Act, the local Government shall form Districts and shall divide such Districts into Sub-Districts, and shall prescribe and from time to time may alter the limits of the Districts and Sub-Districts so formed.

The local Government shall also for the purposes of this Act prescribe the limits of the Presidency Towns of Calcutta, Madras, and Bombay respectively: and every such Town shall for the purposes of this Act be deemed a District.

The local Government may, if it shall think fit so to do, divide the said Presidency Towns respectively into Sub-Districts, and may from time to time alter the limits of the said Presidency Towns and of the said Sub-Districts thereof.

The Districts and Sub-Districts formed under this Section, together with the limits thereof, and every alteration of such limits, shall be forthwith notified by the local Government in the Official Gazette.

Establishment of Register Offices.

VII. The local Government shall establish in every District an Office to be styled the District Register Office, and in every Sub-District an Office to be styled the Deputy Register Office.

Appointment of District and Deputy Registrars.

VIII. The local Government may appoint such persons, whether Public Officers or not as it may think proper, to be District Registrars of the several

Districts, and to be Deputy Registrars of the several Sub-Districts formed as aforesaid respectively: Provided that, except in the said Presidency Towns of Calcutta, Madras, and Bombay, no person shall at the same time hold both the Office of District Registrar and the Office of Deputy Registrar.

Position of the District Registrar of a Presidency Town.

IX. In each of the Presidency Towns aforesaid not for the time being divided into Sub-Districts, the District Registrar shall perform all the duties of a Deputy Registrar of a Sub-District under this Act in the same manner and subject to the same rules as if such Presidency Town were a Sub-District; provided that there shall be no appeal under Section LXII from his order.

Provision for cases of absence or vacancies.

X. In case of the absence of any Deputy Registrar, or of a vacancy occurring in the Office of any Deputy Registrar, it shall be lawful for the District Registrar to whom such Deputy Registrar is subordinate to appoint any person whom he may think proper to take temporary charge of the Office of such Deputy Registrar, and to register Instruments in the same manner as if such person had been appointed to the Office by the local Government. In case of the absence of any District Registrar, or of a vacancy occurring in the Office of any District Registrar, the Judge of the principal Court of original civil jurisdiction of the District shall, during such absence or vacancy, be the District Registrar. In case of the absence of the District Registrar of a Presidency Town, or of a vacancy occurring in the Office of any such Registrar, it shall be lawful for the Registrar General of the Presidency or place to appoint any person whom he may think proper to take temporary charge of the Office of such Registrar.

Salaries and establishments.

XI. It shall be lawful for the local Government, with the sanction of the Governor-General of India in Council, to assign such salaries as such local Government may from time to time deem proper to the Registrar General, the District Registrars, and the Deputy Registrars appointed under this Act, or to provide for the remuneration of such Officers by fees, or partly by fees and partly by salaries. It shall also be lawful for the local Government, with the like sanction, to allow such establishments for the General Register Office and for the Offices of the several District Registrars and Deputy Registrars as may be necessary for the purposes of this Act.

Seal of Office.

XII. The Registrar General and the several District Registrars and Deputy Registrars shall use a seal bearing the following inscription in English and in such other language as the local Government shall direct: "The Seal of the Registrar General *(or of the District Registrar, or Deputy Registrar)* of ".

INSTRUMENTS TO BE REGISTERED.

Certain Instruments not to be received in evidence unless registered according to provisions of this Act.

XIII. No Instrument being a deed of gift of immoveable property, no lease of immoveable property for any period exceeding one year, no Instrument (other than a deed of gift or lease as aforesaid) which purports or operates to create, declare, transfer, or extinguish any right, title, or interest of the value of one hundred Rupees or upwards in any immoveable property, and no Instrument which acknowledges the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest as above of such value as aforesaid, in any immoveable property, shall be received in evidence in any Civil proceeding in any Court, or shall be acted on by any Public Officer, if such Instrument shall have been executed on or after the date on which this Act shall come into operation, and if the property to which such Instrument relates shall be situate in any part of British India in which this Act is in force, unless the same shall have been registered in the manner and within the time prescribed by this Act. Provided that the provisions of this Section shall not apply to any lease executed between landlord and tenant relative to land in the Presidency of Madras liable to the payment of revenue to Government, but any such lease may be registered under Section XVI, subject to the provisions of Sections XVII and XIX.

Value of right, title, or interest affected by Instruments required to be registered, to be determined by Stamp affixed thereto.

XIV. For the purposes of this Act, the value of the right, title, or interest in any immoveable property created, declared, transferred, or extinguished by any Instrument shall be taken to be the value indicated by the Stamp affixed thereto or impressed thereon under Act X of 1862 *(to consolidate and amend the law relating to Stamp Duties)*, or under any other Act for the time being in force for regulating the Stamp Duties.

On refusal to register, regular suit may be brought to enforce registration.

XV. If a District Registrar or Deputy Registrar shall refuse to register an Instrument falling within the provisions of Section XIII, it shall be lawful for any person interested to institute a regular suit in order to establish his right to have such Instrument registered, and the Instrument shall be admissible in evidence for the purposes of such suit. The District Registrar or Deputy Registrar who refused to register such Instrument shall not be made a party to any such suit, but the Court may if it shall think proper order such District Registrar or Deputy Registrar to register the Instrument, and he shall be bound to comply with the order. The petition of plaint in any suit instituted under this Section shall be written on paper bearing a stamp of the value of eight annas.

Instruments the registration of which is optional.

XVI. On and after the date on which this Act shall come into operation, any of the following Instruments executed on or after the said date may be registered under this Act:—

1. Any Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest of value less than one hundred Rupees, in any immoveable property.

2. Any Instrument which acknowledges the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest, of such value as aforesaid, in any such immoveable property.

3. Any lease for a period not exceeding one year.

4. Any Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest in any moveable property.

5. Any Will, Codicil, or Authority to adopt a son.

6. Any decree or order of Court or private award of arbitration.

7. Any Deed, Bond, Contract, or other Obligation.

TIME OF REGISTRATION.

When certain Instruments must be presented for registration.

XVII. No Instrument of the descriptions mentioned in Sections XIII and XVI (other than a Will, Codicil to a Will, or Authority to adopt a son), which shall have been executed before the date on which this Act shall come into operation, shall be accepted for registration unless such Instrument be presented for registration within twelve months from such date.

Provision as to certain other Instruments.

XVIII. No Instrument of the descriptions mentioned in Section XIII, which shall have been executed after the date on which this Act shall come into operation, shall be accepted for registration unless presented for that purpose to the proper Officer within four months from the date of the execution thereof.

Provision as to certain Instruments executed after the Act comes into operation.

XIX. No Instrument of any of the descriptions mentioned in Section XVI (other than a Will, Codicil to a Will, or Authority to adopt a son) which shall be executed after the date on which this Act shall come into operation, shall be accepted for registration unless presented within two months from the date of the execution thereof.

Time for Registration of Wills, &c.

XX. Any Will, Codicil to a Will, or Authority to adopt a son may at any time be registered in the manner hereinafter provided by the person making such Will or Codicil, or giving such Authority.

PLACE OF REGISTRATION.

Where certain Instruments to be registered.

XXI. Save as in this Act otherwise provided, every Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest in any immoveable property, and any Instrument acknowledging the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest in any immoveable property, or any lease, shall be presented for registration in the Office of the Deputy Registrar within whose Sub-District the property is situate.

Provision as to other Instruments.

XXII. Every Instrument other than an Instrument of the nature specified in the last preceding Section, shall be presented for registration in the Office of the Deputy Registrar within whose jurisdiction such Instrument is executed, or at any Registry Office under the same local Government at which all the parties executing such Instrument shall desire the same to be registered.

Registration of Instrument affecting property situate in more than one Sub-District.

XXIII. Every Instrument affecting immoveable property the whole of which, although situate in one District, is not situate in one Sub-District, may be presented for registration to any Deputy Registrar within whose Sub-District any part of such property is situate. It shall be the duty of such Deputy Registrar, after registering the Instrument, forthwith to cause to be made and to forward a copy thereof endorsed in the manner provided in Section XXV to the District Registrar to whom he is subordinate, who shall register the same, and forward a copy of such Instrument and of the endorsement aforesaid, to every Deputy Registrar in his District in whose Sub-District any part of such property is situate, other than the Deputy Registrar in whose Office the Instrument shall have been originally registered, and every Deputy Registrar who shall receive such copy shall forthwith register the same.

Instruments in language not understood by Deputy Registrar.

XXIV. If any Instrument tendered for registration be in a language which the Deputy Registrar does not understand, the Deputy Registrar shall refuse to register the Instrument, and shall refer the parties to the District Registrar, who shall deal with the Instrument in the same manner as he is required by this Act to deal with Instruments presented to him in the first instance for registration.

Registration of Instruments affecting property situate in several Districts.

XXV. Every Instrument affecting immoveable property situate in more Districts than one, may be presented for registration to the District Registrar of any such District in which any part of such property is situate. It shall be the duty of such District Registrar after registering the Instrument to cause to be made and to forward to the District Registrar of every District in which any other part of such property is situate, a copy of such Instrument endorsed with an attestation stating the date on which it was registered and its number in his Register Book. The District Registrar receiving such copy so forwarded and endorsed shall register the same as if it had been presented to him in the first instance, and shall forward a copy of such Instrument and of such endorsement as aforesaid to the Deputy Registrar of each Sub-District within the local limits of his jurisdiction in which any part of such property is situate, and every Deputy Registrar who shall receive such last mentioned copy shall forthwith register the same.

Registration by Registrar General.

XXVI. It shall be lawful for the Registrar General in his discretion to receive and register any Instrument of the nature specified in Section XXI which may be presented at his Office for registration, without reference to the situation of the property to which the Instrument relates. In registering any Instrument under this Section, the Registrar General shall follow the mode of registration hereinafter prescribed for the registration of Instruments presented in the first instance to a District Registrar or a Deputy Registrar.

Procedure in case of registration by Registrar General.

XXVII. It shall be the duty of the Registrar General on any such Instrument being registered in his Office under the last preceding Section, to cause to be made and forwarded to every District Registrar within the local limits of whose jurisdiction any part of the property to which the Instrument relates is situated, a copy of such Instrument endorsed with an attestation stating the date on

which it was registered and the number in his Register Book: and the District Registrar receiving such copy shall register the same as if it had been presented to him in the first instance, and shall forward a copy thereof and of the endorsement aforesaid to the Deputy Registrar of each Sub-District within his jurisdiction in which any part of such property is situate, and every Deputy Registrar who shall receive such copy shall register the same.

Instruments for registration by whom to be presented.

XXVIII. Every Instrument to be registered under this Act, not being a Will, Codicil to a Will, or an Authority to adopt a son, shall be presented at the Office in which such Instrument is to be registered by all the parties executing the same, or by the heirs, representatives, or assigns of such parties or by the authorized agents of such parties, or of their heirs, representatives, or assigns under a power of attorney special or general. But no such power of attorney shall be recognized for the purposes of this Act unless it shall have been executed in the presence of and duly attested by the District Registrar or Deputy Registrar within the local limits of whose jurisdiction the person executing the same resides if he reside in any part of British India subject to the operation of this Act, or if he reside in a part of British India not subject to the operation of this Act unless it shall have been executed in the presence of and been duly attested by the Officer presiding over the principal Court of original civil jurisdiction within the local limits of whose jurisdiction the person executing the same resides. If the person executing such power of attorney do not reside within any part of British India, it shall not be recognized for the purposes of this Act unless it shall have been executed in the presence of and duly attested by an Officer of the British Government, or by a Notary Public where there is such a functionary. The provisions contained in this Section relating to the execution of powers of attorney in the presence of the District Registrar or Deputy Registrar, shall not apply in the case of a native woman of a rank or description, which according to the customs of the country would render it improper to require her personally to attend at the Office of the District Registrar or Deputy Registrar. In the case of any woman of the rank or description abovementioned, the District Registrar or Deputy Registrar, if satisfied that the power of attorney is the free and voluntary act of the woman by whom it purports to have been made, may attest the same without requiring her personal attendance at his Office. For the purpose of satisfying himself on this point, the District Registrar or Deputy Registrar may proceed or depute some trustworthy person to the residence of the woman to take her examination in the mode prescribed for taking the evidence of native females of rank.

MODE OF REGISTRATION.

Enquiry concerning identity of parties appearing before the Deputy Registrar who are not personally known to him.

XXIX. On the parties to any Instrument, their heirs, administrators, or assigns, or the agents of such parties authorized as hereinbefore provided appearing before the District Registrar or Deputy Registrar for the purpose of obtaining the registration of such Instrument, he shall proceed to enquire whether such Instrument was executed or not by all the parties thereto by whom it purports to have been executed, and to satisfy himself of the right of any person to appear as the heir, administrator, or assign of any party whom he shall claim to represent, or if any party shall appear by agent, of the authority of such agent. If all the parties executing the Instrument appear personally before the District Registrar or Deputy Registrar and are personally known to him, or in case they are not personally known to him if they satisfy him that they are the parties they represent themselves to be, and if they all admit the execution of the Instrument, or in the case of any party appearing by authorized agent if such agent shall admit the execution of the Instrument, the District Registrar or Deputy Registrar shall register the same.

Names and addresses of persons examined to be entered.

XXX. The District Registrar or Deputy Registrar shall enter in the Register Book the name and address in full of every person whom he may examine as to any of the matters in the last preceding Section mentioned.

Power of Deputy Registrars to summon parties whose evidence is required.

XXXI. If any party to an Instrument shall require assistance to procure the attendance of a person whose testimony is necessary for the registration of such Instrument by a Deputy Registrar, such Deputy Registrar may in his discretion and if such person shall be within the local limits of the jurisdiction of such Deputy Registrar, issue a summons requiring such person to attend at the Office of such Deputy Registrar at a time named in such summons.

When person whose evidence is required is not within the jurisdiction of the Deputy Registrar.

XXXII. If the person whose attendance is required is not within the local limits of the jurisdiction of the Deputy Registrar, the party to the Instrument who requires his attendance shall apply through the Deputy Registrar to the District Registrar in whose District such person is, and the District Registrar may in his discretion issue a like summons for the attendance of such person at the Office of such Deputy Registrar.

Provisions of last two Sections to apply to cases of registration by District Registrar or Registrar General.

XXXIII. The provisions of the last two preceding Sections shall apply *mutatis mutandis* to all cases in which a party executing an Instrument shall require assistance to procure the attendance of a person whose testimony is necessary for the registration of such Instrument by a District Registrar or by a Registrar General.

Provisions of Acts in force relating to attendance of witnesses to apply to persons summoned under this Act.

XXXIV. The provisions of the Acts in force for the time being for procuring the attendance of witnesses, for the examination, remuneration, and punishment of witnesses in suits before Civil Courts, shall be of equal force and effect in respect of any person summoned to appear as a witness under the foregoing provisions of this Act.

Erasures or interlineations.

XXXV. No Instrument shall be accepted for registration if any interlineation, erasure, or alteration shall appear on such Instrument, unless the parties appearing to register the

same shall attest with their signatures such interlineation, erasure, or alteration; and it shall be the duty of the Officer registering such Instrument, at the time of registering it, to make a note in the Register of such interlineation, erasure, or alteration.

Endorsement on Instrument admitted to registration.

XXXVI. On every Instrument admitted to registration there shall be endorsed the following particulars,—that is to say—

1. The date and hour of presentment.

2. The names in full of the parties executing the Instrument: and if it shall have been presented by the heir, representative, or assign, or by the agent of any party, the name of such heir, representative, assign, or agent.

3. The name and address in full of every person whose evidence may have been taken under any of the provisions of this Act.

4. Any payment of money or delivery of goods made in the presence of the District Registrar or Deputy Registrar.

Endorsement to be signed by parties executing, and to be sealed with seal of Registrar.

XXXVII. The endorsement shall be signed by every party executing the Instrument, or by his heir, representative, or assign, or by his agent, and shall be certified by the seal and signature of the District Registrar or Deputy Registrar. The Instrument thus endorsed shall be *primâ facie* proof on the production thereof in any Court that such Instrument has been duly registered in the manner provided in this Act. Provided that it shall be competent to the Court to require further evidence of such registration if it shall see sufficient cause for doing so.

Registered Instrument to be copied in Register Book.

XXXVIII. Every Instrument admitted to registration and endorsed as hereinbefore provided, shall be copied in its appropriate book according to the order of its presentation, and shall be numbered accordingly.

Procedure after entry in Register.

XXXIX. After the provisions of Sections XXXVI, XXXVII, and XXXVIII shall have been complied with, the Instrument shall be returned to the party who shall have presented the same for registration, with a further endorsement inscribed thereon and certified as above, containing the number and page of the book in which the copy and the registration of the Instrument shall have been made.

Abstract of Instruments registered in Deputy Register Office to be sent to District Registrar and General Register Office.

XL. An abstract of every original Instrument affecting immoveable property registered in the Office of any Deputy Registrar shall, with an endorsement attesting the date on which it was registered and its number in the Register Book of such Deputy Registrar, within seven days be forwarded in duplicate to the District Registrar, who shall forthwith forward one of such duplicates to the General Register Office.

Abstract of Instruments registered in District Registrar's Office to be sent to Registrar General.

XLI. An abstract of every original Instrument affecting immoveable property registered in the Office of any District Registrar, shall with an endorsement attesting the date on which it was registered and its number in the Register Book of such District Registrar, within seven days be forwarded to the General Register Office.

Entry in General Register Office of abstract of entry made in any Register.

XLII. On the receipt in the General Register Office of the abstract of any entry made in any Register, the same shall be entered in the Book No. 1, 2, 3, or 4, described in Section LVI of this Act, as the case may be.

DECREES AFFECTING REGISTERED INSTRUMENTS.

Procedure in case of registered Instruments being declared by a Civil Court to be invalid or forged.

XLIII. When any Civil Court shall by a decree or order declare any Instrument relating to immoveable property which shall have been registered under this Act to be invalid, or when any Civil Court shall pass a decree or order affecting the validity or otherwise of any such Instrument and such last mentioned decree or order shall create, declare, transfer, limit, or extinguish any right, title, or interest under such Instrument, in the immoveable property to which it relates, such Court shall cause a memorandum of the decree or order to be sent to the Office in which such Instrument shall have been originally registered.

How Memorandum to be dealt with.

XLIV. Whenever any memorandum is received under the last preceding Section, a transcript thereof shall immediately be made in the margin of the part of the book in which there is any register of the Instrument affected by such memorandum: and the District Registrar or Deputy Registrar shall forthwith transmit a copy of such memorandum to the Registrar General, and to every District Registrar and every Deputy Registrar in whose Office the said Instrument or any abstract thereof is registered.

Procedure in case of decrees being passed in any Civil Court affecting immoveable property.

XLV. When any Civil Court shall by a decree or order create, declare, transfer, limit, or extinguish any right, title, or interest of any person in any immoveable property situate in any part of British India in which this Act is for the time being in force, such Court shall cause a memorandum of the said decree or order to be sent to every District Registrar and every Deputy Registrar within the local limits of whose jurisdiction such immoveable property or any part thereof is situate. Every such memorandum received by a District Registrar or Deputy Registrar shall be entered by him in a book to be kept for the registration of decrees and orders: and a copy of such memorandum shall be sent to the Registrar General.

REGISTRATION OF WILLS, CODICILS, AND AUTHORITIES TO ADOPT.

Wills, &c.

XLVI. Any person wishing to register his Will, a Codicil to his Will, or any Instrument giving authority to adopt a son after his decease, shall either personally or by a duly authorized agent deliver such Will or Codicil, or Instrument, in a sealed cover superscribed with the name of the depositor and the nature of the Instrument, to a District Registrar who shall, if the Will, Codicil, or Instrument be presented in person, satisfy himself of the identity of the person presenting it, or if the Will, Codicil, or Instrument be presented by an agent, shall satisfy himself of the authority of such agent as provided in Section XXVIII.

Entry in Register of Wills.

XLVII. If satisfied as above, the District Registrar shall enter the receipt of every sealed cover delivered to him under the last preceding Section in the Register of Deposits of Wills, Codicils, and Instruments giving authority to adopt, transcribing therein the superscription on such sealed cover, and noting in the Register and on the sealed cover the year, month, day, and hour of such receipt, together with the name of the depositor and the name of each of the persons testifying to the identity of such depositor, and the inscription so far as it is legible on the seal of the depositor. The District Registrar shall then place the sealed cover in a fire-proof box to be supplied by Government for that purpose.

Withdrawal of Instruments deposited.

XLVIII. If the depositor of any such sealed cover shall wish to withdraw the same, it shall be lawful for him to apply by petition to the principal Court of original civil jurisdiction having jurisdiction where the sealed cover was deposited, for an order that the same be given up to him. If the Court shall be satisfied as to the identity with the depositor of the person applying for such an order, it may if it shall see fit make such an order as applied for, and the District Registrar in whose Office the sealed cover was deposited shall deliver up the same in obedience to the order.

Procedure on application to open sealed packet, on death of depositor.

XLIX. If on the death of the depositor of a sealed cover under Section XLVI, application be made to the District Registrar in whose Office the said sealed cover was deposited to open the same, the District Registrar, after satisfying himself that the depositor is dead, shall in the presence of the person making such application open the sealed cover, and shall enter a copy of the contents thereof, to be made at the expense of the applicant, in a Register of Wills, Codicils, and Instruments giving authority to adopt a son. When such copy shall have been entered, the District Registrar shall re-deposit the original Will, Codicil, or Instrument, until required to produce the same in a Court of Justice.

Copies of Wills re-deposited to be furnished on payment of fees.

L. The District Registrar shall furnish to any applicant who shall pay to him the fees payable under this Act in respect thereof, a copy authenticated by his signature of any Will re-deposited under the last preceding Section. And any copy certified by the District Registrar to be a true copy, shall be evidence of the contents of the Will, Codicil, or Instrument giving authority to adopt, of which it purports to be such copy.

SPECIAL REGISTRATION OF OBLIGATIONS FOR PAYMENT OF MONEY.

Record of agreement of parties to bond or other obligation, as to its being enforced without regular suit.

LI. Whenever the parties to a bond or other written obligation for the payment of money, shall at the time of registering the same under the provisions of this Act apply to the District Registrar or Deputy Registrar to record their agreement, that in the event of the bond or other written obligation as aforesaid not being satisfied within the time stipulated the amount may be recovered as hereinafter provided without a suit, it shall be the duty of the District Registrar or Deputy Registrar, after making such enquiries as he may think proper, to record such agreement at the foot of the endorsement required by Section XXXVI, and such record shall be signed by the District Registrar or Deputy Registrar and by the parties to the bond or other written obligation as aforesaid.

Bonds registered with such agreement may be enforced without regular suit.

LII. A bond or other obligation for the payment of money registered with such agreement as in the last preceding Section mentioned, may be enforced without a suit by any Court which would have had jurisdiction to try a suit on such bond or other obligation for the recovery of the amount, provided that the application for the enforcement of the same be made within the period of one year from the date on which the amount became payable. The bond or other obligation as aforesaid shall be enforced as a decree in a suit under the rules applicable to the execution of decrees in the Court in which the application for enforcement is made, but subject to any provisions contained in any law for the time being in force in relation to the enforcement without a suit of bonds or other obligations for the payment of money registered with such agreement as aforesaid. The application for the enforcement of a bond or other obligation for the payment of money under this Section, shall be written on a stamp paper of one-fourth the value prescribed for a petition of plaint, in a suit to recover the same amount under the provisions of Article 11, Schedule B, Act X of 1862 *to consolidate and amend the Law relating to Stamp Duties*, or any other law for the time being in force for regulating Stamp Duties.

REGISTRATION FEES.

Local Government to prescribe, subject to approval, the fees to be charged for registration.

LIII. Subject to the approval of the Governor-General of India in Council, the local Government shall prepare a table of fees payable for the registration of Instruments, for searching the Registers, and for making or granting copies of entries, abstracts, or Instruments, either on registration or search. Subject to the like approval, the local Government shall also prepare a table of special additional fees payable for every registration by a Registrar General under Section XXVI, and for such other matters as shall to the local Government appear necessary. The local Government may from time to time, subject to the like approval, alter such table. A table of the fees so payable shall be published in the Official Gazette, and shall be exposed to public view in every Office established for the registration of Instruments, and no Instrument shall be accepted for registration, and no copy shall be granted, and no search shall be made or allowed until the fee duly prescribed in that behalf shall have been paid.

Disposal of Fees.

LIV. All fees received under the provisions of this Act (not being fees payable under Section XI of this Act to Officers who are paid wholly or in part by fees), shall be remitted to such Treasury as the local Government shall direct, and be credited to Government.

REGISTERS.

Registry Books.

LV. The local Government shall provide for the Office of every Registrar General, District Registrar,

and Deputy Registrar, such books as may be necessary for the purposes of this Act. The books so provided shall contain such printed forms as shall from time to time be prescribed by the Registrar General with the sanction of the local Government for the entries to be made therein and for the indexes to such books, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title page by the Officer by whom such books shall be supplied. The local Government shall further supply the Office of every District Registrar with a fire-proof box.

Fire-proof boxes.

LVI. In every General Register Office, and in the Office of every District Registrar and Deputy Registrar, four books shall be kept, which shall be entitled—

Register Books.

1. Register of absolute transfers of immoveable property.

2. Register of other transfers of immoveable property.

3. Register of decrees and orders of Court and of awards of arbitrations.

4. General Register of all other Instruments for the registration of which provision is made in this Act, and the entry of which is not required to be made in any other Register.

LVII. All entries made in such books shall be numbered in a consecutive numerical series which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year. Whenever any Instrument for the registration of which application may be made, refers to immoveable and also to moveable property, it shall be entered in Book No. 4 and also in Book No. 1, 2, or 3, as the case may be.

Entries in Registers.

LVIII. Two Indexes shall be prepared for each Register, one containing the name of every party to every instrument registered, and the other in the case of immoveable property containing the name of the village or place where the property is situate together with a description of the property and its name and such other particulars and in such form as the Registrar General shall from time to time prescribe under Section LXIV.

Indexes.

LIX. Every District Registrar shall, in addition to the books prescribed in Section LVI of this Act, keep two books, to be entitled—

Register of Wills.

Register of deposits of Wills, and Codicils to Wills, and Instruments giving authority to adopt a son, as provided in Section XLVII.

Register of Wills, Codicils, and Instruments giving authority to adopt a son, as provided in Section XLIX.

LX. Subject to the previous payment of such fees as may be payable in that behalf, the Registers in the General Register Offices and in the Offices of all District Registrars and Deputy Registrars shall be at all times open to inspection by any person applying to inspect the same, and certified copies of any entry in such Registers shall be given to all persons applying for such copies. Provided that the only Registers to be inspected shall be the Registers Nos. 1, 2, and 3, specified in Section LVI, and the Register specified in Section XLIX.

Inspection of Register and copies of entries.

GENERAL RULES.

LXI. Every Deputy Registrar shall perform the duties of his office under the superintendence and control of the District Registrar in whose District the Office of such Deputy Registrar shall be situate; and the District Registrars shall have authority to issue (whether on complaint or otherwise) any orders they may consider necessary in respect of any proceeding or omission of any Deputy Registrar subordinate to them.

Control of proceedings of Deputy Registrars.

LXII. Every District Registrar may revise or alter any order of any Deputy Registrar subordinate to him refusing to admit a document to registration, if an appeal against such order be presented to the District Registrar within thirty days from the date of the order, but not otherwise.

Revision of orders of Deputy Registrars refusing registration.

LXIII. No appeal shall lie to the District Registrar from an order of a Deputy Registrar admitting an Instrument to registration.

No appeal from order admitting to registration.

LXIV. The Registrar General shall exercise a general superintendence over all the Register Offices within the local limits of his jurisdiction, and shall have power from time to time to frame rules not inconsistent with the terms of this Act for the guidance of the District Registrars and Deputy Registrars subordinate to him, for regulating the proceedings of these Officers and for providing for the safe custody of books, papers, and Instruments, and also for the destruction of such books, papers, and Instruments as it may be deemed to be no longer necessary to keep. The rules so framed shall be submitted to the local Government for approval, and after they shall have been approved, they shall be published in the Official Gazette, and shall have the same force as if they were inserted in this Act.

General control by Registrar General.

Power to frame Rules.

LXV. The registration of all Instruments under this Act shall be made only at the Public Office of the Officer whose duty it shall be to register the same but any District Registrar or Deputy Registrar may on special cause being shown attend at the place of residence of any party intending to execute any Instrument, or of any person desiring to deposit a Will, Codicil, or authority to adopt a son. Every Deputy Registrar so attending shall within twenty-four hours report to the District Registrar to whom he is subordinate the fact of his having attended and his reason for so doing.

Registration to be made at a Public Office.

Proviso.

LXVI. Every District Registrar or Deputy Registrar who shall refuse to register an Instrument and every District Registrar who shall refuse to order an Instrument to be registered shall record his reasons for so refusing, and on application made by any party to the Instrument and on his furnishing a stamped paper of the value of eight annas, shall give him a copy of the reasons so recorded.

Reasons for refusal to register to be recorded.

Time from which Instruments shall operate.

LXVII. A registered Instrument shall operate from the time from which it would have commenced to operate if no registration had been required or made, and not from the time of its registration.

Priority of registered Instruments.

LXVIII. Every Instrument of the descriptions mentioned in Clauses 1 and 2 of Section XVI shall, if duly registered, have priority to any other Instrument relating to the same property, whether such other Instrument be of the same nature as the registered Instrument or not.

Registry of Instruments executed by, or on behalf of, Government.

LXIX. It shall not be necessary for any Officer of Government to appear in person for the purpose of registering any Instrument, but when any Instrument is executed by or on behalf of Government, or by any Court, Board, Commission, or Public Office on behalf of Government, the District Registrar or Deputy Registrar to whom such Instrument is presented for registration, may if he deem it necessary refer to the Head Officer of the Court, Board, Commission, or Office on whose behalf such Instrument was executed, for information respecting the same, and on being satisfied of the execution thereof, shall register the Instrument.

False statements to be dealt with as the offence of giving false evidence.

LXX. If any person shall wilfully make any false statement in any deposition or declaration made by him before any Officer acting in execution of this Act, in any proceeding or enquiry under the provisions of this Act, he shall be deemed guilty of the offence of giving false evidence as defined in Section 191 of the Indian Penal Code.

Commencement of Act.

LXXI. This Act shall come into operation on the first day of January 1865 in the Presidencies of Bengal, Madras, and Bombay. This Act shall not come into operation in any other part of British India until it shall be extended thereto by an order of the Governor-General of India in Council, or by an order of the local Government, to be notified in the Official Gazette.

SCHEDULE.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Reg. XXXVI. 1793	Bengal Code	For establishing a registry for Wills and Deeds for the transfer or mortgage of real property.	The whole Regulation.
„ XXVIII. 1795	Bengal Code	For extending to the Province of Benares, Regulation XXXVI. 1793, entitled "A Regulation for establishing a registry for Wills and Deeds for the transfer or mortgage of real property."	The whole Regulation.
„ XVII. 1803 -	Bengal Code	For establishing a registry for Wills and Deeds for the transfer or mortgage of real property in the Provinces ceded by the Nawaub Vizier to the Hon'ble the English East India Company.	The whole Regulation
„ VIII. 1805 -	Bengal Code	For extending to the conquered Provinces situated within the Doab and on the right bank of the River Jumna, and to the Territory ceded to the Hon'ble the English East India Company in Bundlecund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawaub Vizier to the Hon'ble the English East India Company, as have not been already extended to those Territories, and for revising and amending certain parts of the said Laws and Regulations.	Section XVII so far as it relates to Regulation XVII. 1803.
„ XII. 1805 -	Bengal Code.	For the settlement and collection of the Public Revenue in the Zillah of Cuttack, including the Pergunnahs of Puttespore, Kummardichour, and Bograe, at present included in the Zillah of Midnapore.	Section XXXII.

SCHEDULE A,—*continued.*

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Reg. XX. 1812 -	Bengal Code	For modifying some of the provisions contained in the existing Regulations respecting the registry of Deeds, and for establishing a Register of engagements for the delivery of Indigo.	The whole Regulation.
„ IV. 1824 -	Bengal Code	To provide more effectually for the Office of Register of Deeds.	The whole Regulation.
„ VII. 1832 -	Bengal Code	For modifying certain of the provisions of Regulation V. 1831 and for providing Supplementary Rules to that enactment.	Section IV.
„ XVII. 1802 -	Madras Code	For establishing a registry for Wills and Deeds for the transfer or mortgage of real property.	The whole Regulation.
„ XI. 1831 -	Madras Code	To provide more effectually for the Office of Register of Deeds.	The whole Regulation.
„ IX. 1827 -	Bombay Code	For establishing a Register of Title Deeds, and a general Register of Deeds, obligations, and other writings, in each Zillah subordinate to the Presidency of Bombay.	The whole Regulation.
„ XIII. 1828 -	Bombay Code	For enabling Assistant Judges, when expedient, to keep the Registers prescribed by Regulation II of 1827, when stationed in the Districts.	The whole Regulation.

Number and date of Acts.	Title.	Extent of Repeal.
Act XXX. 1838 ...	... ...	The whole Act.
„ I. 1843 ...	For amending the Law concerning the registration of written Conveyances and other Instruments affecting titles and other interests to land.	The whole Act.
„ XIX. 1843 ...	For amending the Law respecting the registration of certain Deeds.	The whole Act.
„ IV. 1845 ...	To amend the Law regarding the registration of Deeds.	The whole Act.
„ XVIII. 1847 ...	For curing the invalidity in the registration of Deeds arising from the fact of having been registered by persons not duly appointed or on other than Court days.	The whole Act.
„ XI. 1851 ...	For the custody of Registers of Deeds in the Presidency of Bengal.	The whole Act.
„ XXIX. 1856 ...	Concerning the taking of Oaths of Office by Registers of Deeds.	The whole Act.
„ III. 1859 ...	For conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds.	Sections 9 and 10.

C. BOULNOIS,
Offg. Depy. Secy. to the Govt. of India,
Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

ACT No. XVII OF 1864.

An Act to constitute an Office of Official Trustee.

Preamble.

Whereas it is expedient to amend the law relating to Official Trustees, and to constitute an Office of Official Trustee; It is enacted as follows :—

Interpretation.

I. The following words and expressions in this Act shall have the meanings hereby assigned to them unless there be something in the context repugnant to such construction, that is to say :—

"High Court."

The expression "High Court" shall mean Her Majesty's High Courts of Judicature at Fort William in Bengal, Fort St. George, and Bombay respectively in the exercise of their original civil jurisdiction.

"Chief Justice."

The expression "Chief Justice" shall mean the Chief Justice or Acting Chief Justice for the time being of any of the said High Courts.

"Person."

The word "person" shall include a corporation.

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Gender.

Words importing the masculine gender shall include females.

Act XVII of 1843 repealed.

II. Act XVII of 1843 (*for the appointment of Official Trustees in certain cases*) is hereby repealed except as to any proceedings pending or any Trusts now vested in an Official Trustee under it, and except in so far as that Act is made applicable to the Settlement of Prince of Wales' Island, Singapore, and Malacca, by Act XIV of 1852 (*for extending the provisions of Acts XXIV of* 1841 *and XVII of* 1843 *to the Straits Settlement*).

Official Trustees to hold as if appointed under this Act, except as to remuneration.

III. Every Official Trustee appointed under the said Act XVII of 1843 shall, save as regards the remuneration to be received by him, hold and execute the Trusts of which he is Trustee in all respects as if he were an Official Trustee appointed under this Act.

An Official Trustee to be appointed in each Presidency.

IV. In each of the Presidencies of Fort William in Bengal, Fort St. George, and Bombay, there shall be an Official Trustee. The said Official Trustees shall be called the Official Trustee of Bengal, the Official Trustee of Madras, and the Official Trustee of Bombay respectively.

Appointment suspension, and removal of such Trustee.

V. Every Official Trustee appointed under this Act shall be appointed and may be suspended or removed from his Office by the authorities hereinafter named, that is to say—

The Official Trustee of Bengal by the Chief Justice of Her Majesty's High Court of Judicature at Fort William in Bengal.

The Official Trustee of Madras by the Chief Justice of Her Majesty's High Court of Judicature at Fort St. George.

The Official Trustee of Bombay by the Chief Justice of Her Majesty's High Court of Judicature at Bombay.

Administrator General may be appointed Official Trustee.

VI. The Administrator General or Officiating Administrator General for the time being of any of the said Presidencies shall be eligible for the Office of Official Trustee of that Presidency. Every Official Trustee appointed under this Act shall give security for the due execution of the duties of his Office in such manner and to such amount as the Chief Justice by whom he is appointed shall direct.

Security to be given by Official Trustee.

Provision for leave of absence to be granted to Official Trustee, and for appointment of a person to officiate.

VII. It shall be lawful for the Chief Justice of the High Court at any of the Presidencies, from time to time, to grant leave of absence to the Official Trustee of that Presidency, but subject always to such and the like rules as may be for the time being in force as to leave of absence of the Officers attached to such High Court. Whenever any Official Trustee shall obtain leave of absence, it shall be lawful for the Chief Justice to appoint some person to officiate as Official Trustee, and such person while so officiating shall be subject to the same conditions and be bound by the same responsibilities as the Official Trustee, and he shall be deemed to be the Official Trustee for the time being under this Act, and shall be liable to give security for the due execution of the duties of his Office in like manner as if he had been appointed Official Trustee.

Official Trustee may, with his consent, be appointed by any person Trustee of a settlement made by him.

VIII. If any person shall be about to grant, assign, or settle any property, moveable or immoveable, of what nature or kind so ever, upon or subject to any Trust, whether for a charitable purpose or otherwise, it shall be lawful for such person, with the consent of the Official Trustee, to appoint him, by the deed creating the Trust, to be the Trustee of such settlement; and upon such appointment the property so granted, assigned, or settled shall vest in such Officer and his successors in Office, and shall be held by him and them upon the Trust declared and contained in the said deed. Provided always that the consent of the Official Trustee shall be recited in the said deed, and that the deed shall be duly executed by the Official Trustee: Provided also that no Trust for any religious purpose shall ever be held by the Official Trustee, under this or under any other Section of this Act.

Official Trustee appointed under last preceding Section, to receive the remuneration specified in the deed.

IX. Every Official Trustee appointed Trustee of any property under the last preceding Section, shall be entitled to receive by way of remuneration in that behalf such sum or sums only as he shall by the deed of settlement be declared to be entitled to receive.

Under what other circumstances Official Trustee may be appointed Trustee of any property.

X. If any property is subject to a Trust, whether for a charitable purpose or otherwise, and there shall be no Trustee willing to act or capable of acting in the Trusts thereof, who is within the local limits of the ordinary or extraordinary original civil jurisdiction of the High Court, or if property is subject to a Trust, and all the Trustees, or the surviving or continuing Trustee and all the persons beneficially interested in the said Trust, shall be desirous that the Official Trustee shall be appointed in the room of such Trustees or Trustee, then and in any such case it shall be lawful for the High Court on petition, and with the consent of the Official Trustee, to appoint the Official Trustee to be the Trustee of such property: and upon such appointment such property shall vest in the Official Trustee and his successors in Office, and shall be held by him and them upon the same Trusts as the same were held previous to such appointment.

Rate of commission under last preceding Section.

XI. The Official Trustee shall be entitled by way of remuneration, in respect of all Trust property transferred to him under the last preceding Section, to a commission the rate of which shall be as follows, that is to say,—

On all capital monies received by him, a commission of one half per cent. on receiving the same.

On all capital monies invested by him, a commission of one half per cent. on investing the same.

On all sums received by him by way of interest or dividends in respect of monies invested, a commission of three-quarters per cent.

On all rents collected by him, a commission of two and a half per cent.

What expenses, &c., commission is to cover.

XII. The Official Trustee shall defray all the expenses of the establishment necessary for his Office, including the provision of Office accommodation together with all other charges to which the said Office shall be subject, except those for which express provision is made by this Act, and except those costs of litigation and the like which a Trustee would, under ordinary circumstances, be entitled to pay for out of the Trust monies in his hand. The commission to which the Official Trustee shall be entitled, is intended to cover all the expenses and risk and responsibility of management, collection, and distribution.

In all cases, Official Trustee to be sole Trustee.

XIII. It shall in no case be lawful to appoint the Official Trustee to be a Trustee along with any other person: but the Official Trustee shall always be sole Trustee.

Official Trustee to invest trust money in Government securities, &c.

XIV. The Official Trustee shall cause all capital monies received by him to be invested in Government securities, or otherwise as the Court shall direct: and if in any case the Trust funds or any part of them shall at the time of their vesting in the Official Trustee be invested otherwise than as provided in the deed or Will creating the Trust or than as ordered by the Court, it shall be the duty of the Official Trustee, as soon as he reasonably can, to realise the funds so improperly invested, and to invest the same in Government securities or otherwise as the Court shall direct.

High Court may pass orders regarding Trust property.

XV. The High Court may make any such orders as shall seem to it necessary respecting any Trust property vested in the Official Trustee, or the interest or produce thereof. All such orders shall be made on petition, unless the Court shall direct a suit to be instituted.

Unless otherwise provided in deed, Trust property may be re-transferred to original or other Trustees.

XVI. Nothing in this Act shall prevent the re-transfer of any Trust property which may have become vested in the Official Trustee, to the original or any subsequently appointed Trustee, or to such person as the Court shall direct, unless otherwise provided by the deed or Will creating the Trust.

Appointment of Official Trustee to be by name of Office. Authority granted by such appointment.

XVII. All orders which shall be made appointing any Official Trustee to act as Trustee in virtue of his Office, shall appoint him by his name of Office and shall authorize the Official Trustee for the time being of the same Presidency to act as Official Trustee of the property to which such order shall relate: and all property and interests which at the time of the death, resignation, or removal from Office of any Official Trustee shall be vested in him by virtue of such order, shall upon such death, resignation, or removal cease to be vested in him, and shall vest in his successor in Office immediately upon his appointment thereto, and all books, papers, and documents kept by such Official Trustee by virtue of his Office shall be transferred to and vested in his successor in Office.

On death, &c., of Official Trustee, property to vest in successor, and Office books to be transferred.

Official Trustee to sue or be sued in his official character by his name of Office. Suit not to abate by death, &c.

XVIII. All actions, suits, or other proceedings which shall be commenced by or against any Official Trustee in his official character, may be brought by or against him by his name of Office, and no suit, action, or other proceeding already commenced or which shall be commenced by or against any person as Official Trustee either alone or jointly with any other person, shall abate by reason of the death, resignation, or removal from office of any such Official Trustee, but the same may by order of the Court and upon such terms as to the service of notices or otherwise as the Court may direct, be continued against his successor immediately upon his appointment, in the same manner as if no such death, resignation, or removal had occurred. Provided that nothing herein contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the action or suit against him, or shall release an Official Trustee who has resigned or been removed from his Office, or the heirs, executors, administrators, or representatives of a deceased Official Trustee from being liable for any such costs.

Official Trustee to keep a separate account of each Trust, to be open to the inspection of the Chief Justice and any person authorized by him.

XIX. Every Official Trustee appointed under this Act shall enter into books, to be kept by him for that purpose, separate and distinct accounts of each Trust of which he is the Trustee, and of all such sums of money and securities for

money, goods, and things, as shall come to his hands, or to the hands of any person employed by him, or in trust for him, under this Act, and likewise of all payments made by him on account of such Trust, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively, which said books shall be kept in the Official Trustee's Office, and shall be at all times open for the inspection of the Chief Justice and of any person authorized by him to demand inspection thereof.

Chief Justice may make and alter rules and orders for custody of Trust Funds, &c.

XX. The Chief Justice shall have power, from time to time, to make and alter any general rules and orders consistently with the provisions of this Act, for the safe custody of the Trust Funds and securities which shall come to the hands or possession of the Official Trustee and for the remittance to Europe or elsewhere of all sums of money which shall be payable or belong to persons resident in Europe or elsewhere, or in other cases where such remittances shall be required, and generally for the guidance and government of the Official Trustee in the discharge of his duties; and may by such rules and orders, amongst other things, direct what books, accounts, and statements in addition to those mentioned in this Act, shall be kept by the Official Trustee, and in what form the same shall be kept, and what entries the same shall contain, and where the same shall be kept, and where and how the funds and securities and other the property belonging to the Trust of which the Official Trustee is the Trustee shall be kept or invested or deposited, and how any remittances thereof shall be made.

Publication of orders, &c.

XXI. Such orders shall be published in the Official Gazette, and it shall be the duty of the several Official Trustees to obey and fulfil the same, and the same shall be a full authority and indemnity for all persons acting in pursuance thereof.

Official Trustee to furnish Annual Schedules which shall be filed in the Court, and may, by order of the Chief Justice, be inspected by any person so authorized.

XXII. The Official Trustee of each of the said Presidencies shall once in every year, that is to say, on the first day of March, or on such other day as the Chief Justice shall direct, deliver to the Chief Justice a true Schedule showing the gross amount of all sums of money received or paid by him on account of each Trust of which he is the Trustee, and the balances during the year ending on the thirty-first day of December next before the day of delivering such Schedule, and a true list of all securities received on account of each of the said Trusts during the same period; and also a true Schedule of all Trusts which shall have come to an end or of which the Official Trustee shall have ceased to be the Trustee and the property subject to which shall have been paid or made over to the persons entitled to the same or to new Trustees during the same period, specifying the nature and amount or value of such property and the persons to whom paid or made over. The Chief Justice shall cause the said Schedules to be filed as record in the High Court; but it shall not be lawful for any person to inspect the same or to make copies thereof or of any part thereof, except on an order granted by the Chief Justice permitting him so to do.

Chief Justice to appoint Auditors.

XXIII. The Chief Justice shall from time to time appoint an Auditor or Auditors to examine the accounts of the Official Trustee at the time of the delivery of the said Schedules and also at any other time when the Chief Justice shall think fit.

Auditors to examine Schedule and report to Chief Justice.

XXIV. The Auditor or Auditors shall examine the Schedules and accounts, and report to the Chief Justice whether they contain a full and true account of every thing which ought to be inserted therein, and whether the books which by this Act are, or which by any such general rules and orders as aforesaid shall be directed to be kept by the Official Trustee, have been duly and regularly kept, and whether the Trust Funds and securities have been duly kept and invested and deposited in the manner prescribed by this Act or which shall be prescribed by any such rules and orders to be made as aforesaid.

Auditors to have power to summon witnesses and to call for books, &c.

XXV. Every Auditor shall have power to summon as well the Official Trustee as any other person or persons whose presence he may think necessary, to attend him from time to time; and to examine the Official Trustee or other party or parties, if he shall think fit, on oath or solemn affirmation, to be by him administered; and to call for all books, papers, vouchers, and documents, which shall appear to him to be necessary for the purposes of the said reference; and if the Official Trustee or other person or persons when summoned shall refuse, or, without reasonable cause, neglect to attend or to produce any book, paper, voucher, or document required, or shall attend and refuse to be sworn or make a solemn affirmation, when by law an affirmation may be substituted for an oath, or shall refuse to be examined, the Auditor or Auditors shall certify such neglect or refusal in writing to the High Court; and every person so refusing or neglecting shall thereupon be punishable, in like manner as if such refusal or neglect had been in contempt of the said High Court.

Penalty for non-attendance.

Costs of preparing Schedule, &c., how to be paid.

XXVI. The costs and expenses of preparing the said Schedules and accounts and of every such reference and examination as aforesaid, shall be defrayed by all the Trust estates to which such Schedules or accounts shall relate, which costs and expenses, and the portion thereof to be contributed by each of the said Trust estates, shall be ascertained and settled by the Auditor or Auditors, subject to the approval of the Chief Justice, and shall be paid out of the said estates accordingly by the Official Trustee.

Auditors to report specially to Chief Justice if accounts appear not correct.

XXVII. If upon any such reference and examination the Auditor or Auditors shall see reason to believe that the said Schedules do not contain a true and correct account of the matters therein contained, or which ought to be therein contained, or that the Trust Funds and securities have not been duly kept and invested or deposited in the manner directed by this Act, or which shall be directed by any such

rules and orders as aforesaid, or that the Official Trustee has failed to comply with the provisions and directions of this Act, or of any such rules and orders, he or they shall report accordingly to the Chief Justice.

Proceedings upon such report.

XXVIII. The Chief Justice may refer every such report as last aforesaid to the consideration of the Advocate General for the Presidency, who shall thereupon, if he shall think fit, proceed summarily against the defaulter or his personal representative in the High Court by petition for an account, or to compel obedience to this Act or to such rules and orders as aforesaid, or otherwise as he may think fit, in respect of all or any of the Trust estates then or formerly under the charge of such defaulter; and the Court shall have power, upon any such petition, to compel the attendance in Court of the defendant or defendants, and any witnesses who may be thought necessary, and to examine them orally or otherwise as the said Court shall think fit, and to make and enforce such order or orders as the Court shall think just.

Costs of reference, &c., how to be defrayed.

XXIX. The costs, including those of the Advocate General, and of the reference to him, if the same shall be directed by the Court to be paid, shall be defrayed either by the defendant or defendants, or out of the Trust estates rateably as the said Court shall direct; and whenever any costs shall be recovered from the defendant or defendants, the same shall be repaid to the estates by which the same shall have been in the first instance contributed, and the Court shall have power to order the Official Trustee or other person or persons, defendants, to receive his or her costs out of the said estates, if it shall think fit.

Orders of the Court to have same effect and to be executed in the same manner as decrees.

XXX. Any orders which shall be made by any of the said High Courts shall have the same effect and be executed in the same manner as decrees.

Who may apply.

XXXI. Any order under this Act may be made on the application of any person beneficially interested in any Trust property, or of any Trustee thereof, whether under disability or not.

Executor or Administrator may, by leave of the Court, pay to Official Trustee, legacy, &c., to which an infant or lunatic is entitled.

XXXII. If any infant or lunatic shall be entitled to any gift or legacy or residue or share thereof, it shall be lawful for the Executor or Administrator by whom such legacy, residue, or share may be payable or transferable, or the party by whom such gift may be made or any Trustee of such gift, legacy, residue, or share, to pay or transfer the same to the Official Trustee appointed under this Act: provided that the leave of the High Court to make such payment or transfer shall be first obtained by motion made on petition. Any money or property paid or transferred to the Official Trustee or vested in him under this Section shall be subject to the same provisions as are contained in this Act as to other property vested in such Official Trustee under the provisions thereof.

C. BOULNOIS,
Offg. Depy. Secy. to the Govt. of India,
Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information:—

ACT No. XVIII. OF 1864.

An Act to provide for the appointment of a Municipal Committee for the City of Lucknow.

Preamble.

Whereas it is expedient to make provision for the appointment of a Municipal Committee for the City of Lucknow, and for levying duties on certain articles brought within the limits of the said City for consumption there, and generally for the regulation of all matters relating to the conservancy and improvement of the said City; It is enacted as follows:—

Appointment of Municipal Committee.

I. On and after such date as the Chief Commissioner of Oudh shall order, there shall be a Committee for the purposes of this Act, which shall be called "The Municipal Committee of the City of Lucknow." The said Committee shall consist of twenty-five Members, of whom six shall be *ex-officio* Members.

Ex-officio Members of the Committee.

II. The persons for the time being filling the following offices shall respectively be *ex-officio* Members of the Municipal Committee. That is to say, the persons filling the offices of—

Commissioner of Lucknow,
Deputy Commissioner of Lucknow,
Inspector General of Police in Oudh,
Civil Surgeon of Lucknow,
Executive Engineer of Lucknow,
City Magistrate of Lucknow.

Non-official Members.

The Non-official Members of the said Committee shall be elected annually by and from amongst the inhabitants of the City, and shall hold office for one year only, but shall be eligible for re-election.

Chief Commissioner to define limits of Lucknow, and to regulate mode of election of Members of Committee.

III. The Chief Commissioner of Oudh shall from time to time declare what shall be deemed to be the limits of the City of Lucknow for the purposes of this Act. He shall also declare who are, for the purposes of the last preceding Section, to be deemed inhabitants of the said City, and shall lay down rules fixing the times when the election of the Non-official Members of the Committee shall take place, and regulating the manner in which the elections shall be conducted. The appointment of every Non-official Member shall be subject to the approval of the Chief Commissioner, and in the event of any person elected not being approved of by him, the inhabitants shall proceed forthwith to elect another person in his stead.

Chief Commissioner may remove Non-official Members.

IV. It shall be lawful for the Chief Commissioner to remove from office any Non-official Member of the Committee; and in the event of any such Member being so removed, it shall be in the discretion of the Chief Commissioner to determine whether or not any person

shall be elected to supply his place for the unexpired portion of the year for which such Member was elected.

Chief Commissioner may suspend the powers of Committee.

V. It shall be lawful for the Chief Commissioner at any time with the sanction of the Governor-General of India in Council to suspend or limit the powers or any of the powers of the Committee.

President, Vice-President, and Secretary.

VI. The Commissioner of Lucknow for the time being shall be the President of the Committee; the Deputy Commissioner of Lucknow shall be the Vice-President, and the City Magistrate of Lucknow shall be the Secretary.

Committee to repair, light, and construct streets, drains, &c.

VII. The Municipal Committee, so far as the funds at their disposal will permit, shall keep the streets, drains, and tanks of the City properly cleansed and repaired, and shall cause the said streets or such of them as may to them seem proper, to be lighted, and may construct new streets, drains, and tanks, and generally may do all acts and things necessary to the conservancy and improvement of the City so far as such acts and things be not repugnant to or inconsistent with the provisions of this or any other Law.

Committee may enter into contracts.

VIII. It shall be lawful for the Municipal Committee from time to time to enter into all necessary contracts for the purposes of this Act. Such contracts, if in writing, shall be signed by the Secretary and at least three Members of the Committee, and if any such contract be not reduced to writing, it shall be made with the Secretary. No contract made otherwise than as herein declared shall be in any way binding on the Committee, and no contract involving an expenditure of more than ten thousand rupees shall be binding on the Committee unless made in writing and with the sanction of the Chief Commissioner of Oudh.

Members of Committee not to be personally responsible for debts contracted by the Committee.

IX. No Member of the Committee shall be personally liable for any contract made or expense incurred by or on behalf of the Committee; but the funds from time to time in the hands of the Committee shall be liable for and chargeable with all contracts and expenses duly incurred as aforesaid. Every Member of the Committee shall be liable for any misapplication of any monies entrusted to the Committee, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and he shall be liable to be sued for the same in such Court as the Chief Commissioner of Oudh shall direct, as for money due to the Government of India.

But shall be liable for the misapplication of monies entrusted to Committee if parties or privies thereto, or if caused through their gross neglect.

Annual estimate to be sent in to Chief Commissioner.

X. The Committee shall each year, on or before such date prior to the first day of May as shall be fixed by the Chief Commissioner, furnish the Chief Commissioner with a statement or estimate (in such form as the Chief Commissioner shall direct) showing the expenditure which it is proposed by the Committee to incur during the year commencing on the first day of May then next, and the items in respect of which it is proposed to make such expenditure.

Accounts and statement of work done, to be annually furnished to Chief Commissioner.

XI. The Committee shall, as soon as may be after the first day of May in each year, provide the Chief Commissioner with a statement in detail, of all the work done by them and of all sums received and of all sums expended by them during the year ending on the thirtieth day of April then next preceding, in such form as the Chief Commissioner shall from time to time direct.

Municipal Fund.

XII. All such monies as the Chief Commissioner or any other person shall from time to time make over to the Municipal Committee for the purposes of this Act and all fines levied under this Act shall form a Municipal Fund, of which the Committee shall be the Trustees, and which shall be applied by the Committee to the conservancy and improvement of the City of Lucknow, and to the payment of the salaries and wages of the Officers and servants employed by the Committee, and all other expenses incurred in or about the carrying out the provisions of this Act.

Duty to be levied on articles taken into Lucknow for consumption there.

XIII. Duties on such things, and at such rates as the Chief Commissioner shall with the sanction of the Governor-General of India in Council from time to time declare, shall be levied in respect of the said things when brought into the City of Lucknow for consumption or use therein. The said duties shall be collected by such persons and in such manner as the Chief Commissioner shall direct. It shall be lawful for the Chief Commissioner to farm or let out the collection thereof for such period or periods as he shall think fit, but he shall in every case lay down rules as to the mode of levying and collecting the duties, and such rules shall have the like force and effect as Bye-laws duly made by the Committee.

Produce of collections on duties how to be applied.

XIV. All monies received on account of the duties aforesaid, if the same be collected directly under the orders of the Chief Commissioner, and all monies received from the farming or letting out the collection of the duties, shall be paid into the Bank of Bengal to the credit of the Chief Commissioner. Out of the monies paid in under this Section, the Chief Commissioner shall (after defraying the costs of collection if any) make over to the Committee for the purposes of this Act such sum, not being less than one-third of the monies so paid in, as shall to the Chief Commissioner seem proper.

Power of Committee to make Bye-laws.

XV. The Municipal Committee may from time to time make such Bye-laws as they may think fit, for defining, prohibiting and removing nuisances which are not public or common nuisances under the Indian Penal Code; for regulating the time and place of meeting of the Committee; the conduct of business at such meetings; the division of duties among the Members of the Committee; the appointment, suspension and removal of Officers and servants of the Committee, and fixing the salaries of such Officers and servants; for imposing penalties for the infringement of any Bye-law made by the Committee; and generally for the management of all matters connected with

the conservancy and improvement of the City. The Committee may also from time to time repeal, alter, and amend any such Bye-laws. Provided that no Bye-law shall be repugnant to any law in force. Provided also that no penalty for the infringement of any such Bye-law shall exceed fifty Rupees, and that in case of a continuing infringement, no penalty shall exceed ten Rupees for every day after notice from the Committee of such infringement.

Bye-laws to be approved by Chief Commissioner.

XVI. No Bye-law or alteration of a Bye-law shall have effect until the same shall have been approved and confirmed by the Chief Commissioner, and shall have been duly published for such length of time and in such manner as the Chief Commissioner shall order.

Copies of Bye-laws to be kept exposed to public view in the Office of the Committee.

XVII. A copy in the English and Hindoostanee languages, of every Bye-law and alteration of a Bye-law for the time being in force shall be painted on or affixed to boards, and such boards shall at all times be hung up in some conspicuous part of the Office of the Committee.

Bye-laws to have the like effect as provisions of this Act.

XVIII. All Bye-laws, when the same shall have been duly confirmed and published shall, until the same be repealed or altered, be of the like effect as if they were inserted in this Act.

All prosecutions to be instituted before a Magistrate.

XIX. All prosecutions under this Act shall be instituted before a person exercising the powers of a Magistrate as defined in the Code of Criminal Procedure, and all fines imposed may be recovered in the manner prescribed in Section 61 of the said Code. The amount of all fines realized shall be paid to the Municipal Committee and be applied by them to the purposes of this Act.

Chief Commissioner to act subject to control of Governor-General.

XX. The Chief Commissioner of Oudh shall, in every thing done under or relating to this Act, be subject to the orders and control of the Governor-General of India in Council.

This Act may be extended to any place under immediate administration of Government of India.

XXI. It shall be lawful for the Governor-General of India in Council to extend this Act to any place under the immediate administration of the Government of India. Whenever this Act shall be extended to any place under the provisions of this Section, it shall have effect in such place as if the name of such place were substituted throughout this Act for the name "Lucknow." The Governor-General of India in Council in extending this Act shall declare what and how many persons shall be *ex-officio* Members of the Municipal Committee of the place to which it is extended.

Chief Commissioner with sanction of Governor-General in Council to declare what rates shall be levied where Act is extended.

XXII. The Chief Commissioner of any place to which this Act shall be extended under the last preceding Section may, with the sanction of the Governor-General of India in Council, declare that Sections XIII and XIV or either of them, or any of the provisions of those Sections, shall be of no effect in such place, and may also with the like sanction define the persons or property within such place to be taxed for raising the monies necessary for the purposes of this Act, whether by house assessment or town-duties or otherwise, the amount or rate of the taxes to be imposed, the manner of raising and collecting them and ensuring the safety and due application of them when collected.

Proviso.

Provided that no tax-duty or other rate shall be levied under this Section in any place in which duties are levied under Section XIII of this Act.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India,
Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

ACT No. XIX OF 1864.

An Act to remove certain tracts of Country in the District of Mirzapore from the jurisdiction of the local Courts.

Preamble.

Whereas it is expedient to remove certain tracts of Country in the district of Mirzapore from the jurisdiction exercised by the Civil, Criminal, and Revenue Courts and Officers of that district under the General Regulations and Acts of the Government ; It is enacted as follows :—

Certain tracts removed from jurisdiction of the ordinary tribunals.

I. The tracts of Country described in the Schedule to this Act are hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the Officers of Revenue, constituted by the Regulations of the Bengal Code and by the Acts passed by the Governor-General of India in Council : Provided that nothing herein contained shall extend to or affect any case now pending in any Court or Office.

Proviso.

Administration of justice and collection of revenue, vested in Officers appointed by Lieutenant-Governor North-Western Provinces.

II. The administration of Civil and Criminal Justice and the superintendence of the settlement and realization of the Public Revenue, and all matters relating to rent within the said tracts, are hereby vested in such Officer or Officers as the Lieutenant-Governor of the North-Western Provinces may, for the pu pose of tribunals of first instance or of reference and appeal, appoint; and the said Lieutenant-Governor may fix the periods within which appeals shall be preferred; provided that no sentence of death passed by any person competent under the appointment of the Lieutenant-Governor to pass such sentence, shall be carried into execution until it be confirmed by the Sudder Court.

Question as to whether a place falls under this Act how to be settled.

III. When a question shall arise whether any place falls within the tracts described in the Schedule of this Act, it shall be competent to the Commissioner of the Division to determine on which side of the described boundary the place aforesaid may lie,

and the order made by the Commissioner shall be final.

Commencement of operation of this Act.

IV. This Act shall take effect from such date as shall be fixed by the Lieutenant-Governor of the North-Western Provinces, and notification thereof shall be published in the Office of the Commissioner of the Division and in the Courts of the Civil and Sessions Judge, and of the Magistrate of the District, and in such other manner as the Lieutenant-Governor may direct.

SCHEDULE.

The tracts referred to in the foregoing Act are as follows :—

Pergunnah Agoree, Tuppahs Agoree Khas and South Kone.

Pergunnah Singrowlee, Tuppah British Singrowlee.

Pergunnah Bicheepore, Tuppahs Phoolwa, Doodhee, and Burha.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India, Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

ACT No. XX OF 1864.

An Act for making better provision for the care of the persons and property of Minors in the Presidency of Bombay.

Preamble.

Whereas it is expedient to make better provision for the care of the persons and property of Minors in the Presidency of Bombay ; It is enacted as follows :—

Care of persons and charge of property of Minors vested in the Civil Court.

I. The care of the persons of all Minors (not being European British Subjects) and the charge of their property shall vest in the Civil Court.

What persons claiming to have charge of property in trust for a Minor may apply for Certificate of Administration.

II. Every person who shall claim a right to have charge of property in trust for a Minor under a Will or Deed or other instrument in writing, or by reason of nearness of kin or otherwise, may apply to the Civil Court for a Certificate of Administration ; and no person shall be entitled to institute or defend any suit connected with the estate of which he claims the charge, until he shall have obtained such Certificate. Provided that when the property is of small value, not exceeding Rupees two hundred and fifty, any Court having jurisdiction may allow any relative of a Minor to institute or defend a suit on his behalf, although a Certificate of Administration has not been granted to such relative.

No person to institute or defend a suit without such Certificate.

Proviso.

Who may apply to Court to appoint a person to take charge of the property, &c., of a Minor.

III. Any relative or friend of a Minor in respect of whose property such Certificate has not been granted, or if the property consist in whole or in part of land or any interest in land, the Collector of the District, may apply to the Civil Court to appoint a fit person to take charge of the property and person of such Minor.

To what Court application to be made if property be situate in more than one District.

IV. If the property be situate in more than one District, any such application as aforesaid shall be made to the Civil Court of the District in which the Minor has his residence.

Summary inquiry to be made by Court on application.

V. When application shall have been made to the Civil Court either by a person claiming a right to have charge of the property of a Minor, or by any relative or friend of a Minor, or by the Collector, the Court shall issue notice of the application and fix a day for hearing the same. On the day so fixed, or as soon after as may be convenient, the Court shall inquire summarily into the circumstances, and pass orders in the case. Provided always that it shall be competent to the Civil Court to direct any Court subordinate to it to make such inquiry and report the result.

Proviso.

Certificate of Administration to whom to be granted.

VI. If it shall appear that any person claiming a right to have charge of the property of a Minor is entitled to such right by virtue of a Will or Deed or other instrument in writing, and is willing to undertake the trust, the Court shall grant a Certificate of Administration to such person. If there is no person so entitled, or if such person is unwilling to undertake the trust and there is any near relative of the Minor who is willing and fit to be entrusted with the charge of his property, the Court may grant a Certificate to such relative. The Court may also if it think fit (unless a Guardian have been appointed by the father), appoint such person as aforesaid, or such relative or any other relative or friend of the Minor, to be Guardian of the person of the Minor.

Court may appoint person having such Certificate Guardian of the Minor's person.

Court may call upon Collector or Magistrate for a report on the character and qualification of relative or friend.

VII. The Court may call upon the Collector or Magistrate for a report on the character and qualification of any relative or friend of the Minor, who may be desirous or willing to be entrusted with the charge of his property or person, and it shall be incumbent on the Collector or Magistrate to furnish such report after making all due inquiry.

Proceeding if no title to a Certificate be established, and if there be no relative fit to be entrusted with the property, &c., of a Minor.

VIII. If no title to a Certificate be established to the satisfaction of the Court by a person claiming under a Will or Deed or other instrument in writing, and if there be no near relative willing and fit to be entrusted with the charge of the property or person of the Minor, and the Court shall think it to be necessary for the interest of the Minor that provision should be made by the Court for the charge of his property or person, the Court shall proceed to make such provision in the manner hereinafter provided.

If estate consists of moveable property, &c., Court may grant Certificate to Public Curator or other person.

IX. If the estate of the Minor consists of moveable property or of houses, gardens, or the like, the Court shall grant a Certificate to the Public Curator appointed under Section XIX, Act XIX of 1841 (*for the protection of moveable and immoveable property against wrongful possession in cases of successions*), or if there be no Public Curator, to any fit person whom the Court may select for the purpose.

Appointment of Guardian.

X. Whenever the Court shall grant a Certificate of Administration to the estate of a Minor as aforesaid, it shall at the same time appoint a Guardian to take charge of the person and maintenance of the Minor. The person to whom a Certificate of Administration has been granted, unless he be the Public Curator, or the legal heir of the Minor, or next in succession to the property, may be appointed Guardian. Provided that in the case of Minors who have inherited property by adoption, the natural father may be appointed Guardian. If the person appointed to be Guardian be unwilling to discharge the trust gratuitously, the Court may assign him

Guardian's allowance.

such allowance to be paid out of the estate of the Minor as under the circumstances of the case it may think suitable.

Allowance for maintenance of Minor, &c.

The Court may also fix such allowance as it may think proper for the maintenance of the Minor, surviving parent whether natural or adoptive, husband, wife and children, if any, and such allowance and the allowance of the Guardian (if any) shall be paid to the Guardian by the Public Curator or other person as aforesaid.

When the estate consists of land, Court may direct Collector to take charge of estate.

XI. If the estate of the Minor consist in whole or in part of land or any interest in land, the Court may direct the Collector of the District in which the larger part of the same may be situated to take charge of the estate.

Court may take security.

XII. The Civil Court may take such security as it shall think necessary, from any person to whom it may grant a Certificate of Administration of the property of any Minor under this Act.

Proviso.

Provided always, that no such security shall be demanded from the Collector of a District or the Public Curator, when their services may be availed of.

Cost of inquiries under this Act.

XIII. In all inquiries and other proceedings held or had by the Civil Court under this Act, the Court may make such order as to the payment of costs by the person on whose application such inquiry was made or proceeding had, or out of the estate of the Minor, or otherwise, as it may think proper.

Course to be followed when one or more of the proprietors of an estate placed under Collector's charge may come of age.

XIV. Whenever one or more of the proprietors of an estate which has been placed under the Collector's charge shall have passed his or their minority, the Collector shall represent the fact to the Civil Court, and the Court, unless it see sufficient reason to the contrary, may direct the Collector to retain charge of the shares of the property of the still disqualified proprietors during the continuance of their disqualification, or until it shall be otherwise ordered by the Court; or the Court may direct the whole estate to be made over to the management of the proprietor or proprietors who shall have become of age, with such directions as to the share or shares of the still disqualified proprietor or proprietors as to the Court shall seem fit and proper.

Proceedings of Collector subject to control of superior Revenue Authorities.

XV. The proceedings of the Collector in the charge of estates under this Act shall be subject to the control of the superior Revenue Authorities.

Public Curator, &c., to furnish inventory and annual accounts.

XVI. The Public Curator and every other Administrator to whom a Certificate shall have been granted under Section X shall, within six months from the date of the Certificate, deliver in Court an inventory of all the immoveable property belonging to the Minor, and of all such sums of money, goods, effects, and things as he shall have received on account of the estate, together with a statement of all debts due by or to the same. And the Public Curator and every such other Administrator shall furnish annually within three months from the first of May of the Christian era an account of the property in his charge, exhibiting the amounts received, disbursed, and invested on account of the estate, and the balance in hand.

Proceeding if accuracy of inventory or account be impugned.

If any relative or friend of a Minor, or any public Officer by petition to the Court shall impugn the accuracy of the said inventory and statement or of any annual account, the Court may summon the Curator or Administrator, and inquire summarily into the matter and make such order thereon as it shall think proper, or the Court, at its discretion, may refer such petition to any subordinate Court for investigation and report.

Public Curator, &c., to pay proceeds of estates into Treasury. Surplus funds to be invested in Public Securities.

XVII. All sums received by the Public Curator or such other Administrator on account of any estate, in excess of what may be required for the current expenses of the Minor or of the estate, shall by him be invested on account of the estate, from time to time, in the Public Securities.

Powers of person to whom Certificate has been granted in the management of Minor's estate.

XVIII. Every person to whom a Certificate shall have been granted under the provisions of this Act may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a Minor, and may collect and pay all just claims, debts, and liabilities due to or by the estate of the Minor. But no such person shall have power to sell, alienate, mortgage, or otherwise incumber any immoveable property, or to grant a lease thereof for any period exceeding five years, without the sanction of the Civil Court previously obtained.

Relative or friend may sue for an account.

XIX. It shall be lawful for any relative or friend of a Minor at any time during the continuance of the minority to sue for an account from any Manager appointed under

this Act, or from any person to whom a Certificate shall have been granted under the provisions of this Act, or from any such Manager or person after his removal from office or trust, or from his personal representative in case of his death, in respect of any estate then or formerly under his care or management, or of any sums of money or other property received by him on account of such estate.

Continuance of suit instituted under this Act after disqualification shall have ceased.

XX. If the disqualification of a person for whose benefit a suit shall have been instituted under this Act cease before the final decision thereof, it shall be lawful for such person to continue the prosecution of the suit on his own behalf.

Revocation of Certificate.

XXI. The Civil Court for any sufficient cause may recall any Certificate granted under this Act, and may direct the Collector to take charge of the estate, or may grant a fresh Certificate to the Public Curator or any other person as the case may be, and may compel the person whose Certificate has been recalled to make over the property in his hands to his successor, and account to such successor for all moneys received and disbursed by him. The Court may also for any sufficient cause remove any Guardian appointed by the Court.

Removal of Guardian.

Penalty for neglect or refusal to deliver accounts or property.

XXII. The Civil Court may impose a fine not exceeding Five hundred Rupees on any person who may wilfully neglect or refuse to deliver his accounts or any property in his hands, within the prescribed time or a time fixed by the Court, and may realise such fine by attachment and sale of his property under the rules in force for the execution of decrees of Court, and may also commit the recusant to confinement in the Civil Jail until he shall consent to deliver such accounts or property.

Civil Court may permit resignation of trust, &c.

XXIII. The Civil Court may permit any person to whom a Certificate shall have been granted under this Act not being the Public Curator, and any Guardian appointed by the Court, to resign his trust, and may give him a discharge therefrom on his accounting to his successor duly appointed for all moneys received and disbursed by him and making over the property in his hands.

Remuneration of Public Curator, &c.

XXIV. The Public Curator and every other Administrator to whom a Certificate shall have been granted under Section X shall be entitled to receive such commission not exceeding five per centum on the sums received and disbursed by him, or such other allowance to be paid out of the Minor's estate, as the Civil Court shall think fit.

Guardian of Minors under this Act to provide for their education.

XXV. Every Guardian appointed by the Civil Court under this Act who shall have charge of any male Minor shall be bound to provide for his education in a suitable manner. The general superintendence and control of the education of all such Minors shall be vested in the Civil Court.

Civil Court my fix the residence and place of education of Minor.

XXVI. In the exercise of this superintendence and control, it shall be lawful for the Civil Court to direct that such Minor shall reside either with or without his Guardian at the Sudder Station of the District, or at any other place within the Presidency of Bombay, and shall attend for the purposes of education such School or College as to the said Civil Court may seem expedient, and to make such provision as may be necessary for the proper care and suitable maintenance of the said Minor whilst attending such School or College.

Or in certain cases to cause a Minor to be educated privately.

XXVII. If it shall appear to the Civil Court inexpedient to place any such Minor at School or College, it shall, if the proceeds of the estate are sufficient for that purpose, cause such Minor to be educated by a private tutor properly qualified, either at the family residence of such Minor or at the Sudder Station, or elsewhere within the Presidency of Bombay, and in that case also the Civil Court shall have power to determine, from time to time, the place of residence of such Minor, and to make such provision as may be necessary for his proper tuition and maintenance during the period of his education.

Charges and expenses incurred under this Act to be paid out of the profits of the Minor's estate.

XXVIII. All charges and expenses which may be incurred on account of any male Minor under the provisions of this Act, for College or School fees, or for other charges of tuition or education, or by reason of his residence in any place other than his own home or otherwise, shall be defrayed from the profits of his estate in the same manner as other expenses incurred under the authority or with the sanction of the Civil Court.

Marriage of Minors.

XXIX. Every Guardian appointed under this Act who shall have charge of an unmarried Minor, shall pay all the necessary expenses of the marriage of such Minor out of the estate; provided that these expenses shall in no case, without the sanction of the Civil Court, involve the Minor's estate in debt.

Who to be held a Minor for the purposes of this Act.

XXX. For the purposes of this Act every person shall be held to be a Minor who has not attained the age of eighteen years.

Act not to authorize the appointment of Guardians of certain married women.

XXXI. Nothing in this Act shall authorize the appointment of a Guardian of the person of a female whose husband is not a Minor, or the appointment of any person other than a female as the Guardian of the person of a female.

Guardianship during the minority of the husband of a Minor when to cease.

If a Guardian of the person of a Minor be appointed during the minority of the husband of the Minor, the Guardianship shall cease as soon as the husband shall attain the age of majority.

Act not to interfere with Act XXXV of 1858.

XXXII. Nothing in this Act shall be held to interfere with the provisions of Act XXXV of 1858 *(for making better provision for the care of the Estates of Lunatics).*

XXXIII. All orders passed by the Civil Court under this Act shall be open to appeal to the High Court at Bombay, and shall be subject to all the provisions contained in Section 366 of the Code of Civil Procedure.

Orders of the Civil Court open to appeal.

XXXIV. The expression "Civil Court" as used in this Act shall be held to mean the principal Court of original civil jurisdiction in the District, and shall not include the High Court of Judicature; and nothing contained in this Act shall be held to affect the powers of the High Court of Judicature over the person or property of any Minor subject to its jurisdiction. Unless the contrary appears from the context, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; and words importing the masculine gender shall include females.

Construction of the words "Civil Court," &c. Powers of High Court not affected.

Number.

Gender.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India,

Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 1st April 1864, and is hereby promulgated for general information :—

Act No. XXI of 1864.

An Act for the extension of the jurisdiction of the Magistrates of Police in Calcutta.

Whereas it is expedient to empower the Magistrates of Police in Calcutta to punish summarily certain offences in addition to those which they are now empowered so to punish; It is enacted as follows :—

Preamble.

1. Every case in which any person is charged before a Magistrate of Police in Calcutta with having within the limits of the said Town, or within the limits of the Port of Calcutta as those limits are or may hereafter be defined under Act XXII of 1855 *(for the regulation of Ports and Port-dues)*, committed any offence under any of the provisions contained in Chapter XIV of the Indian Penal Code except Sections 280 and 281, may be heard and determined by such Magistrate in a summary way: and every such person shall on conviction by such Magistrate be punished in the manner provided by the Indian Penal Code for the punishment of the offence of which he shall be convicted. Provided that no Magistrate shall under this Act be competent to pass sentence in respect of any offence beyond the following limits, that is to say:—Imprisonment of either description not exceeding six months or fine not exceeding two hundred Rupees, or both imprisonment and fine in cases in which both punishments are authorized by the Indian Penal Code. Provided also that the Magistrate may commit to the High Court for trial any such case which he may in his discretion think it proper so to commit.

Persons guilty of certain offences may be tried summarily by a Magistrate of Police.

II. Sections 62, 63, 308, 309, 310, 311, 312, 313 and 314 of the Code of Criminal Procedure are hereby extended to and shall have operation within the Town of Calcutta and within the limits of the Port of Calcutta defined as aforesaid, and the words "Magistrate" and "Magistrate of a District" as used in the said Sections shall denote any Magistrate of Police in Calcutta who may be authorized in that behalf by the local Government.

Sections 62, 63, 308, 309, 310, 311, 312, 313 and 314 of the Code of Criminal Procedure extended to Calcutta.

III. Any Magistrate of Police in Calcutta authorized as aforesaid may without any complaint take cognizance of any offence which he has power to hear and dispose of in a summary manner, which may come to his knowledge, and he may issue a summons, or, in cases where a warrant may issue, a warrant of arrest against the person known or suspected to have committed such offence, in the same manner as if a complaint had been made against such person.

Magistrate may take cognizance of offences without complaint made.

IV. Save as in this Act otherwise provided the procedure contained in Act XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras, and Bombay)* as amended by Act XLVIII of 1860 *(to amend Act XIII of 1856)* shall be applicable to offences committed and charges made under this Act.

Procedure in such cases.

V. This Act shall come into operation on the first day of May 1864.

Commencement of Act.

VI. This Act may by an order of the Governor in Council of Fort St. George, or of the Governor in Council of Bombay respectively, to be published in the Official Gazette, be extended to the Towns and Ports of Madras and Bombay, and when so extended by such order, shall take effect in the Town and Port to which the order shall relate from the date of the publication of such order. When so extended to either the Town and Port of Madras, or the Town and Port of Bombay, this Act shall in all respects apply to such Town and Port as if the name of such Town and Port had appeared in this Act wherever the name of Calcutta appears.

Act may be extended by Governors in Council of Madras and Bombay.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India,

Home Dept.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st April 1864, and is hereby promulgated for general information :—

ACT No. XXII OF 1864.

An Act to make provision for the Administration of Military Cantonments.

Whereas it is expedient to make provision for regulating the administration of Civil and Criminal Justice and the superintendence of Police and Conservancy, for protecting the public health within the limits of Military Cantonments, and for laying down

Preamble.

local Rules and Regulations to be enforced within such limits; It is enacted as follows:—

Interpretation.

I. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:—

"British India."

The words "British India" denote the Territories which are or may become vested in Her Majesty by the Statute 21 and 22 Victoria, Chapter 106, entitled "*An Act for the better Government of India,*" except the Settlement of Prince of Wales' Island, Singapore, and Malacca:

"Local Government."

The words "Local Government" denote the person or persons authorized by law to administer Executive Government in any part of British India:

"Section"

The word "Section" denotes a Section of this Act:

Number.

Words importing the singular number include the plural number, and words importing the plural number include the singular number:

Gender.

Words importing the masculine gender include females.

Act and parts of certain Regulations repealed.

II. The Act and the parts of the Regulations in the Schedule hereunto annexed set forth, are hereby repealed to the extent in the said Schedule declared.

Criminal jurisdiction of a Cantonment Magistrate.

III. When any person shall be invested by the local Government under the provisions of Section XXIII of the Code of Criminal Procedure, with the powers of a Magistrate within the limits of any Military Cantonment, such person shall be styled the Cantonment Magistrate, and within the limits of such Cantonment shall, subject to the control of the Magistrate of the District in which such Cantonment is situate, exercise the powers of a Magistrate as defined in the said Code, for the purpose of disposing of all cases arising within such Cantonment which the Magistrate of the District might dispose of, and for the commitment for trial before the Court of Session of the District or place in which such Cantonment is situate, of any person charged with any offence triable before the Court of Session, or for which the person charged shall appear to deserve a more severe sentence than a Magistrate is competent under the said Code of Criminal Procedure to award.

Cantonment Magistrate to be deemed a Magistrate in charge of a Division of a District.

IV. The Cantonment Magistrate shall be considered a Magistrate in charge of a Division of a District within the meaning and for the purposes of the Code of Criminal Procedure.

Assistant Cantonment Magistrates.

V. When any person shall be invested by the local Government under the provisions of Section XXIII of the Code of Criminal Procedure, with the powers of a subordinate Magistrate of the first or second Class within the limits of any Military Cantonment, such person shall be styled the Assistant Cantonment Magistrate and shall be subject to the Rules laid down for subordinate Magistrates in the said Code.

Small Cause Courts may be established in Cantonments.

VI. The local Government may within the limits of any Military Cantonment establish a Court of Small Causes for the trial of suits of the nature described in Section III of Act XLII of 1860 (*for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter*), and the Cantonment Magistrate, if there be a Cantonment Magistrate, shall be the Judge of the Court so established within his jurisdiction. The local Government shall from time to time declare the pecuniary limit of the jurisdiction of every Court established under this Section, but such limit shall in no case exceed five hundred Rupees.

Act XLII of 1860 to apply to all such Courts.

VII. Every Court of Small Causes established under this Act shall be deemed to be a Court established under the said Act XLII of 1860, and all the provisions of the said Act shall be applicable to every such Court, and to all suits instituted in any such Court, except as is herein otherwise provided.

Certain Acts suspended in Cantonments where Cantonment Magistrates are made Small Cause Judges.

VIII. Whenever a Court of Small Causes is established in any Military Cantonment under the provisions of Section VI, the jurisdiction exercised in such Cantonment by any Officer under Act III of 1859 (*for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds*) shall cease and determine, and so much of any Act as authorizes the Commanding Officers of Stations or Cantonments to convene Military Courts of Requests for the trial of actions of debt and other personal actions as aforesaid, shall cease to have effect within the limits of such Cantonment.

Assistant Cantonment Magistrate may be invested with powers of a Small Cause Court Judge up to fifty Rupees.

IX. The local Government may invest any Assistant Cantonment Magistrate with the powers of a Judge of a Court of Small Causes to try suits instituted in any Court which is established under Section VI: provided that no Assistant Cantonment Magistrate shall have jurisdiction to try suits for an amount exceeding fifty Rupees.

Cantonment may be declared a Sub-District under Registration Act.

X. Any Military Cantonment may be declared by the local Government to be a Sub-District for the purposes of Act XVI of 1864 (*to provide for the Registration of Assurances*). The Cantonment Magistrate of any Cantonment so declared shall be the Deputy Registrar thereof.

Act V of 1861 applicable to Police employed in Military Cantonments.

XI. The Police Force employed in any Military Cantonment shall be deemed to be part of the General Police Force under the local Government in whose Territories such Cantonment is situate, within the meaning of Section II Act V of 1861 (*for the Regulation of Police*), and all the provisions of the said Act shall be applicable to such Force. The administration of the Police within the limits of any Cantonment in which there shall be a Cantonment Magistrate shall be vested in the District Superintend-

Administration of Police within Cantonments.

ent subject to the general control and direction of the Commanding Officer of such Cantonment.

Extension of Section XXXIV Act V of 1861 to Military Cantonments.

XII. The local Government may extend Section XXXIV of the said Act V of 1861 to any Military Cantonment situate in the Territories under such Government.

Service and execution, through Cantonment Magistrate, of process issued by Commanding Officers.

XIII. The Commanding Officer of a Cantonment may send any process requiring service or execution by any means not immediately at his disposal, to the Chief Police Officer in the Cantonment for service or execution through the Cantonment Police, and it shall be the duty of the said Chief Police Officer to serve or execute such process in the same manner as if it had been issued by the Cantonment Magistrate, and subject to the same rules.

Local Government may extend Act XX of 1856 to any Military Cantonment.

XIV. It shall be lawful for the local Government to extend the provisions of Act XX of 1856 (*to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazars in the Presidency of Fort William in Bengal*), to any Military Cantonment to which a Cantonment Magistrate may be appointed, and the Cantonment Magistrate of any Military Cantonment to which the said Act shall be so extended may exercise all the powers vested in a Magistrate by that Act subject only to the control of the Magistrate of the District and the local Government. If there be no Cantonment Magistrate, the Magistrate of the District shall carry out the provisions of the said Act when so extended as aforesaid.

And may order division of Cantonments, &c.

XV. It shall be lawful for the local Government to order that any Military Cantonment to which the provisions of the said Act XX of 1856 shall be extended be divided into any number of Cantonment divisions, and to determine the nature of the tax to be levied in each such division according to Section X of the said Act.

Also lay down rules for guidance.

XVI. The local Government may prescribe rules for regulating the expenditure for the general purposes of this Act, of any funds raised under the said Act XX of 1856. Such funds may be expended for the purpose of carrying out any measures under any of the Rules and Regulations made under Section XVII of this Act in addition to or in lieu of the purposes described in Section XXXVI of the said Act XX of 1856.

Rules and Regulations to provide for certain matters specified.

XVII. The local Government shall have power to make Rules and Regulations not inconsistent with the provisions of this Act or of any other law in force, to provide within the limits of any Military Cantonment for the matters hereinafter mentioned, and from time to time to repeal, or alter, such Rules and Regulations. The Rules and Regulations made under this Section may be general for all Military Cantonments in the Territories under the local Government making the same, or special for any one or more of such Cantonments, according as the local Government shall direct.

Rules to be confirmed by Governor-General in Council.

XVIII. No Rule or Regulation made or altered under the last preceding Section shall have effect until the same shall have been confirmed by the Governor-General of India in Council. A copy of every such Rule and Regulation when so confirmed, in English and in the Vernacular language chiefly in use, shall be hung up in some conspicuous part of the Office of the Cantonment Magistrate, or in such other place as the local Government or the Commanding Officer may direct.

What Rules may provide for.

XIX. The Rules and Regulations made under Section XVII may provide—

1*st.*—For regulating, in cases in which the land within the limits of the Cantonment is the property of Government and the occupation and use of which by private persons is only permissive, the conditions under which such occupation or use shall be allowed, and under which the Government may resume possession of such land, and under which compensation shall be given to persons occupying or using the land so resumed.

2*nd.*—For maintaining proper registers of immoveable property within the limits of the Cantonment, and for providing for the registration of transfers of such property.

3*rd.*—For regulating the manner in which houses within the limits of the Cantonment shall be claimable for purchase or hire, when necessary, for the accommodation of Military Officers.

4*th.*—For regulating the management and expenditure of any funds made available by law or by the Government for the purpose of public improvements within the limits of the Cantonment, or for carrying out any Rules and Regulations passed under this Section, and the appointment of the necessary servants and establishments.

5*th.*—For the definition and prohibition of public nuisances.

6*th.*—For the maintenance generally of the Cantonment in a proper sanitary condition; for the prevention and cure of disease; for the management and regulation of the public roads, of conservancy and drainage; for the regulation and inspection of public and private necessaries, urinals, cess-pools, drains and all places in which filth or rubbish is deposited; of slaughter-houses, public markets, burial and burning grounds, and of all offensive or dangerous trades and occupations.

7*th.*—For inspecting and controlling houses of ill-fame and for preventing the spread of venereal disease.

8*th.*—For the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use.

9*th.*—For the execution and promotion of works of public utility and convenience.

10*th.*—For the registration of deaths, and for making and recording observations and facts important for the public health and interests.

11*th.*—For the imposition of penalties on persons convicted of the breach of any Rule or Regulation made under Section XVII, and for declaring what persons shall make the preliminary inquiry into or take cognizance of any breach of such Rules and Regulations, and the manner in which the investigation shall be conducted. Provided that no

penalty so imposed shall exceed a fine of fifty Rupees, or imprisonment for eight days with or without labour.

Trial of breaches of such Rules and Regulations.

XX. Breaches of any Rule or Regulation made under Section XVII shall be triable by the Cantonment Magistrate when there is such an Officer: but the local Government may invest any Assistant Cantonment Magistrate, or any other person, with powers to try such breaches, and may authorize such person to exercise such powers independently of the Cantonment Magistrate. The Magistrate of the District shall have no control over the Cantonment Magistrate, or over any Assistant Cantonment Magistrate, or any other person invested with such powers as herein aforesaid.

Levy of fines imposed.

XXI. In every case in which an offender is sentenced to a fine for the breach of any Rule or Regulation made under Section XVII, the amount may in case of non-payment be levied by distress and sale of any moveable property of the offender which may be found within the limits of the Cantonment.

Imprisonment in case of amount not being recoverable as above.

XXII. If no such property sufficient for the payment of the fine can be found, the offender shall be liable to be imprisoned without labour for any term not exceeding one month.

Imprisonment to be where.

XXIII. The imprisonment under Section XIX or Section XXII may be, if without labour, in the Civil Jail; and if with labour, in the Criminal Jail of the District.

Prosecutions, &c., under other Regulations, &c., not barred by this Act.

XXIV. Nothing in this Act nor in any Rule or Regulation made under Section XVII shall prevent any person from being prosecuted under any other Regulation or Act for any offence punishable under this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act. Provided that no person shall be punished twice for the same offence.

For protection of health, Rules and Regulations made under Clause 7 of Section XIX may be extended beyond limits of Cantonments for certain purposes.

XXV. Whenever it shall appear necessary for the protection of the health of the troops in any Military Cantonment, it shall be lawful for the Governor-General of India in Council to extend to any place outside the limits of such Military Cantonment and in the vicinity of such Cantonment all or any of the Rules and Regulations made for such Cantonment under Clause 7 of Section XIX, and to make any additional Rules and Regulations under the said Clause, and to define the limits around such Cantonment within which such Rules and Regulations or additional Rules and Regulations shall be in force.

In such case, penalties may be imposed for breach of Rules in extended limits.

XXVI. When such Rules and Regulations, with any additional Rules or Regulations made as above, shall be extended under the last preceding Section to any place outside the limits of such Cantonment, it shall be lawful for the Governor-General of India in Council to provide in the manner described in Clause 11 of Section XIX for the imposition of penalties for the breach of such Rules and Regulations, and for prescribing the manner in which and the persons by whom breaches of such Rules and Regulations shall be inquired into or be cognizable.

Courts, &c., to take judicial notice of Rules passed under this Act.

XXVII. All Courts and Magistrates shall take judicial notice of all Rules and Regulations made under Section XVII or Section XXV.

Effect of Rules, &c., passed under Section XVII of this Act in respect of Regulations, &c., previously in force.

XXVIII. Whenever in any Military Cantonment, Rules and Regulations have been made under Section XVII, so much of any Regulation or Act as may be held to empower the Commanding Officer to make local Regulations regarding matters other than Military shall cease to have any effect in such Cantonment, and all local Regulations for any Military Cantonment which may have been made before the promulgation of the Rules and Regulations for such Cantonment made under the said Section XVII, shall cease to have any effect. Provided that nothing in this Section shall be held to interfere with any Military authority vested in the said Commanding Officer under the Articles of War.

Proviso.

Unauthorized sale of liquor to Military persons in Cantonments how punishable.

XXIX. If within any Military Cantonment or within any limits around such Cantonment prescribed by the local Government, any person not amenable to the Articles of War or any Sutler or Camp-Follower shall knowingly barter, sell, or supply, or for or attempt to barter, sell or supply any spirituous liquor, wine, or intoxicating drug to or for the use of any European Soldier, or to or for the use of any European or Eurasian being a Camp-Follower or a Soldier's wife, without a written license from the Officer Commanding or from some person having sufficient authority from the Officer Commanding to grant such license, the person so bartering, selling, or supplying, or offering or attempting to barter, sell, or supply such spirituous liquor, wine, or intoxicating drug as aforesaid, shall be liable on conviction to a fine not exceeding one hundred Rupees, or in the discretion of the Magistrate to imprisonment with or without hard labor for any period not exceeding three months, or in lieu of such fine or imprisonment to the punishment of whipping, as prescribed for offences under Section II of Act VI of 1864 *(to authorize the punishment of whipping in certain cases)*, subject to all the provisions of that Act.

Consequence of second conviction of offence under last preceding Section.

XXX. If any person convicted of an offence under the last preceding Section shall be again convicted of an offence under that Section, any spirituous liquor, wine, or intoxicating drug within such Cantonment or limits, which at the time of the commission of such subsequent offence shall belong to or be in the possession of such person, shall without further proof be deemed to be in the possession of such person for the purpose of being supplied to European Soldiers contrary to the provisions of this Act, and shall be liable to be seized and confiscated.

Camp Followers and others having possession of liquor beyond certain quantity without permit, how punishable.

XXXI. If any Camp Follower or Military Pensioner, or the wife or the widow of any Soldier, Camp-Follower, or Military Pensioner shall, within such Cantonment or limits remove, convey, or have in his or her possession any quantity of spirituous liquor or wine exceeding one seer or quart, without a permit to be signed by the Officer in Command, or such other Officer as may be appointed by him to grant permits under this Act, every such person shall be liable upon conviction to a fine not exceeding fifty Rupees, and for any subsequent offence to a fine not exceeding one hundred Rupees, or to imprisonment with or without hard labor for any term not exceeding three calendar months: provided that nothing in this Section contained shall apply to any liquor brought into a Cantonment for the private use of any Commissioned Officer.

Arrest of persons committing offence under Section XXX or XXXI.

XXXII. If any person subject to the provisions of this Act shall be found committing any offence contrary to Section XXX or Section XXXI of this Act, any Police Officer may immediately without warrant arrest such person, and also seize any spirituous liquor, wine, or intoxicating drug, together with any vessel containing the same, and any thing used for the purpose of removing, conveying, or concealing the same, which may be found in his possession, and shall thereupon without delay take such person together with the things so seized, before the Cantonment Magistrate or other Officer having jurisdiction to punish the offender.

Confiscation of liquor in respect of which conviction may be had, or which may be in possession of party convicted.

XXXIII. In case of a conviction for any offence under Section XXX or Section XXXI of this Act, the Cantonment Magistrate or other Officer may adjudge any liquor, wine, or intoxicating drug in respect of which the party shall be convicted, and any other spirituous liquor, wine, or intoxicating drug which shall be found in his possession at the time of committing the offence, and any vessel containing the same, together with any thing used for the purpose of conveying, removing, or concealing the same or any part thereof, to be confiscated; and such Magistrate may order the whole or any part or parts of any fine imposed under this Act to be paid, as soon as the same shall be realized, to the person upon whose information such conviction shall take place, or to the Officer who shall have apprehended the offender or siezed any of the goods adjudged to be confiscated.

Things seized under Act may be detained until party charged with offence is acquitted.

XXXIV. Any thing seized under Section XXXII in respect of which any person shall be charged with an offence, may be ordered to be detained until the person in whose possession the same shall have been seized shall be convicted or acquitted of the offence charged. If the person shall be acquitted, any thing so seized shall be restored; if he shall be convicted, such of the things only, if any, as shall not be adjudged by the Cantonment Magistrate or other Officer to be confiscated, shall be restored: the remainder shall be dealt with as confiscated.

How to be disposed of.

Saving of articles sold or supplied for medicinal purposes.

XXXV. The foregoing Sections shall not apply to the sale or supply of any article for medicinal purposes, by recognized Medical Practitioners, Chemists, or Druggists.

Act not to interfere with jurisdiction of Courts Martial, &c.

XXXVI. Nothing in this Act shall interfere with the jurisdiction of Courts Martial, or of Commanding Officers of Cantonments or of Regiments, Corps, or Detachments under Act XXIX of 1861 *(to consolidate and amend the Articles of War for the Government of the Native Officers and Soldiers in Her Majesty's Indian Army)*, or under Act V of 1863 *(to amend Act XXIX of* 1861), or with the provisions of any Statute for punishing mutiny and desertion of Officers and Soldiers in the service of Her Majesty in the East Indies, and the Cantonment Magistrate shall exercise no jurisdiction in respect of such offences. Provided that when a Cantonment Magistrate or other Officer not being the Commanding Officer shall have been vested by the local Government with power within the limits of any Military Cantonment to dispose of cases under any Rule or Regulation made under Section XVII, it shall not be competent to the Commanding Officer to exercise the powers described in Article 84 of the said Act XXIX of 1861 in respect of any case arising under such Rule or Regulation, when such Rules and Regulations have been passed for such Cantonment under Section XVII, and penalties shall have been laid down for their infringement. The said Rules and Regulations shall be held to be the Rules and Regulations mentioned in the said Article 84 of the said Act XXIX of 1861, and so much of the said Article as declares the penalties which may be inflicted for breach of Cantonment Regulations, shall cease from that time to have any effect in such Cantonment.

Proviso.

Acts done by Cantonment Magistrates before passing of this Act legalized.

XXXVII. All Acts done previously to the passing of this Act by Cantonment Joint Magistrates, or by persons acting under their authority or otherwise in any Military Cantonment in pursuance of an order of Government, or which shall have been or shall be ratified by the Executive Government, are hereby confirmed and made valid; and all such Officers and persons as aforesaid are hereby indemnified and discharged from liability in respect of such Acts.

Operation of Act.

XXXVIII. This Act shall, save as hereinafter is provided, extend only to the Presidency of Fort William in Bengal.

Act may be extended by the Governor-General in Council to certain other places.

XXXIX. The provisions of this Act may be extended by order of the Governor-General of India in Council to any place under the immediate administration of the Government of India, and to any place in India but not in British India in which British Troops are cantoned.

Governments of Madras, Bombay or the Punjab may extend the Act.

XL. The provisions of this Act may be extended by order of the Governor of Madras in Council, or by order of the Governor of Bombay in Council, and by order of the Lieutenant-Governor of the Punjab to any part of the territories subject to their respective Governments.

May be extended by Lieutenant-Governor of Bengal or the North-Western Provinces.

XLI. The provisions of this Act may be extended by order of the Lieutenant-Governor of Bengal, or by order of the Lieutenant-Governor of the North-Western Provinces, to any part of the territories under their respective Governments not within the Presidency of Fort William in Bengal.

Publication of Orders extending the Act.

XLII. Every order issued under Sections XXXIX, XL or XLI shall be published in the Official Gazette.

Where no Court of Session within limits of jurisdiction of Cantonment Magistrate, how commitments to be made and appeals heard.

XLIII. If in the Territories not subject to the general Regulations, or in any part of India not subject to the British Government, any person be invested with the powers of a Cantonment Magistrate within the limits of any Cantonment situated in any district or place in which there is no person exercising the powers of a Court of Session, the Governor-General of India in Council may direct to what authority the commitments shall be made and by what authority the appeals from the sentences and orders passed by such Cantonment Magistrate shall be heard and determined, and such commitments and appeals shall be heard and determined by such authority in the same manner as if the commitments had been made, or the sentences or orders appealed from had been passed, by a Magistrate within the jurisdiction of a Court of Session. The Governor-General of India in Council may also direct by what authority appeals from the sentences and orders passed in cases committed by such Cantonment Magistrate shall be heard and determined; and such appeals shall be heard and determined by such last mentioned authority in like manner as if the sentences and orders appealed from had been passed by a Court of Session.

What Authority to exercise powers of Sudder Court in respect of Small Cause Courts established in a Non-Regulation place or places out of British India.

XLIV. If a Court of Small Causes shall be established under Section VI in any Military Cantonment in the Territories not subject to the general Regulations, or in any part of India not subject to the British Government, the Governor-General of India in Council shall declare what authority shall exercise the powers vested in the Sudder Court by the provisions of the said Act XLII of 1860.

Application of Registration Act to Cantonment not in British India.

XLV. If any Military Cantonment in any part of India not subject to the British Government shall be declared by the Governor-General of India in Council to be a Sub-District for the purposes of registration under Act XVI of 1864, the Governor-General of India in Council shall declare what authorities shall be deemed to be the District Registrar and the Registrar General respectively with reference to such Military Cantonment and the Deputy Registrar thereof.

Certain Regulations and Acts to cease to have effect in Cantonments in Madras, Bombay or the Punjab in which Cantonment Magistrate exercises jurisdiction under this Act.

XLVI. From the date on which any Cantonment Magistrate shall begin to exercise jurisdiction under this Act in any Cantonment in the Territories subject to the Government of Madras, or to the Government of Bombay, or to the Lieutenant-Governor of the Punjab, so much of the Regulations and Acts for the time being in force in such part of the said Territories as is in any way inconsistent with or repugnant to any of the provisions of this Act shall cease to have effect in such Cantonment.

SCHEDULE.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Regulation III. 1809...	Bengal Code...	For the support of the Police in the Cantonments and Military Bazars; for defining the powers of the Civil and Military Officers in the performance of that duty; and for fixing the local limits of the said Cantonments and Bazars.	Sections II and III.
Regulation XX. 1810...	Bengal Code...	For subjecting persons attached to the Military Establishments to Martial Law in certain cases, and for the better government of the retainers and dependants of the Army receiving public pay on fixed Establishments, and of persons seeking a livelihood by supplying the Troops in Garrison, Cantonment, and Station Military Bazars, or attached to Bazars of Corps.	So much of Section XII as declares that the persons therein mentioned shall be liable to be tried by a Native Court Martial for the offence stated. Also Sections XIII, XIV, XV, XVI, XVII, XVIII, and XXI.

SCHEDULE.

Number and date of Act.	Title.	Extent of Repeal.
Act XVIII. of 1853 ...	For regulating the sale of spirituous liquors, &c., in Cantonments.	The whole Act so far as it relates to the Bengal Presidency.

C. BOULNOIS,
Offg. Depy. Secy. to the Govt. of India,
Home Dept.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor-General on the 7th April 1864, and is hereby promulgated for general information :—

ACT No. XXIII OF 1864.

An Act to amend the law relating to the Customs Duties on goods imported by Sea.

Preamble.

Whereas it is expedient to amend the law relating to the Customs' Duties; it is enacted as follows :—

Act XXVI of 1863 repealed.

I. From and after the passing of this Act, Act XXVI of 1863 *(to amend Act XI of 1862, to amend Act X of 1860, to amend Act VII of 1859, to alter the Duties of Customs on Goods imported or exported by sea)* shall cease to have effect, except as to any act done or liability incurred.

Customs Duties to be levied as prescribed in this Section.

II. From and after the passing of this Act, in lieu of the Customs' Duties authorized in Act XI of 1862 *(to amend Act X of 1860, to amend Act VII of 1859, to alter the Duties of Customs on Goods imported or exported by Sea)* to be charged on Iron; on Wines and Liqueurs; on Porter, Ale, Beer, Cider, and other similar fermented liquors; and on Tobacco and on all articles not enumerated in the Schedule A annexed to the said Act XI of 1862, there shall be levied and collected, in conformity with the provisions of Act VI of 1863 *(the consolidated Customs Act)*, the following Customs' Duties; that is to say;—

On Iron (which shall not be taken to include ironmongery, cutlery, or hardware) ...	One per cent. *ad valorem*:
On Wines and Liqueurs ...	One Rupee the Imperial gallon:
On Porter, Ale, Beer, Cider, and other similar fermented liquors	One Anna the Imperial gallon:
On Tobacco, whether manufactured or not manufactured ..	Ten per cent. *ad valorem*:
On all other articles not enumerated in this Act or in the Schedule A annexed to the said Act XI of 1862 ...	Seven and a half per cent. *ad valorem*.

C. BOULNOIS,
Offg. Depy. Secy. to the Govt. of India,
Home Dept.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor-General on the 8th April 1864, and is hereby promulgated for general information :—

ACT No. XXIV OF 1864.

An Act relating to the Administration of certain Districts under the Government of the Lieutenant-Governor of the North-Western Provinces.

Preamble.

Whereas certain Rules for the administration of Civil Justice and for the superintendence of the settlement and of the realization of the public Revenue and of matters relating to rent in the Districts of Jhansie, Jaloun, and Lullutpore, were made by the Lieutenant-Governor of the North-Western Provinces, and came into operation on the twenty-eighth day of January and the seventh day of February 1862: and whereas the said Rules, so far as they relate to the administration of Civil Justice, were afterwards extended by an order of the Lieutenant-Governor of the North-Western Provinces to the Provinces of Kumaon and Gurhwal: and whereas it is expedient to prevent the validity of decisions, orders, and proceedings passed or held under the said Rules being questioned only by reason that the said Rules were not made in accordance with the provisions of the Indian Councils' Act 1861: and whereas it is expedient to make provision for the administration of the Districts and Provinces aforesaid and also of a tract of country in Dehra Dhoon in the North-Western Provinces known as Jounsar Bawur; It is enacted as follows:

Rules relating to jurisdiction and procedure of Revenue Officers, &c., to be deemed valid from date of issue.

I. The Rules made as aforesaid by the Lieutenant-Governor of the North-Western Provinces relating to the jurisdiction and procedure of the Revenue Officers, and for the superintendence of the settlement and of the realization of the Public Revenue, and of matters relating to rent within the said Districts of Jhansie, Jaloun and Lullutpore, shall be deemed valid for all purposes from the date on which such Rules were issued.

Rules for administration of Civil Justice to be deemed valid from date of issue until operation of this Act, and parts to continue of effect.

II. The Rules made as aforesaid by the Lieutenant-Governor of the North-Western Provinces for the administration of Civil Justice within the said Districts and thereafter extended to the Provinces of Kumaon and Gurhwal as aforesaid, shall be deemed valid for all purposes from the date on which they were issued until this Act shall come into operation. So much of the said Rules as relates

to the establishment of Courts of Civil Judicature, and provides for the trial of suits and appeals by Commissioners, Deputy Commissioners of Districts, Assistant Commissioners, Extra Assistant Commissioners, and Tehsildars, together with so much of the said Rules as relates to the periods of appeal from decisions and orders made by such Courts, shall continue to be in force after this Act shall have come into operation.

Validity given to all decisions, &c., prior to the passing of this Act.

III. No decision, order, or proceeding of any Court or Officer under any of the said Rules, made and extended as aforesaid by the Lieutenant-Governor of the North-Western Provinces, shall be questioned on the ground of such order or decision having been passed or of such proceeding having been held before the date fixed for this Act to come into operation.

Proceedings in Civil suits how to be regulated.

IV. Except as in this Act is otherwise provided, the proceedings in Civil suits of every description between party and party, brought in the said Courts of Civil Judicature, shall be regulated by the Code of Civil Procedure.

Suits where to be instituted.

V. Every suit shall be instituted in the Court of the lowest grade competent to try it.

Power of Commissioner and Deputy Commissioner as to suits instituted in any subordinate Court.

VI. It shall be lawful for the Commissioner or for the Deputy Commissioner of a District to withdraw any suit instituted in any Court subordinate to the Court of such Commissioner or Deputy Commissioner, and to try such suit himself or to refer it for trial to any other Court subordinate to his authority and competent in respect of the value of the suit to try the same.

Trial of suits for land or immoveable property situate within the jurisdiction of different Courts.

VII. If the suit be for land or other immoveable property situate within the local limits of the jurisdiction of different Courts, the suit may be brought in any Court otherwise competent to try it, within the jurisdiction of which any portion of the land, or other immoveable property in suit is situate; but in such case the Court in which the suit is brought shall apply to the Deputy Commissioner of the District if the suit is brought in any Court subordinate to the Deputy Commissioner, or to the Commissioner if the Court in which the suit is brought is the Court of a Deputy Commissioner, for authority to proceed with the same.

Periods of appeal how to be reckoned.

VIII. The periods of regular and special appeal prescribed in the Rules, which by Section II of this Act are to continue in force after this Act shall have come into operation, shall be reckoned from and exclusive of the day on which the judgment appealed against shall have been pronounced, and also exclusive of such time as may be requisite for obtaining a copy of the decree from which the appeal is made. Appeals from orders, when such appeals are allowed by the Code of Civil Procedure, shall be presented within the same period as appeals from decrees.

Act XIV of 1859 extended to certain districts and Provinces.

IX. Act XIV of 1859 (*to provide for the limitation of suits*) is hereby extended to the said Districts of Jhansie, Jaloun and Lullutpore, and to the said Provinces of Kumaon and Gurhwal, and shall take effect therein from the date on which this Act comes into operation, subject to the provision contained in Section XXIV of the said Act XIV of 1859, as regards pending suits instituted within two years from the date above mentioned.

Operation of Regulations and Acts may be extended to the same Districts, &c.

X. It shall be lawful for the Lieutenant-Governor of the North-Western Provinces by notification in the Official Gazette, to extend to the said Districts and Provinces the operation of any Regulation or Act now in force in the Districts under his Government which are subject to the General Regulations, and to declare in whom any authority to be exercised under any Regulation or Act so extended shall be vested.

Administration vested in Officers appointed by the Lieutenant-Governor of North-Western Provinces.

XI. The administration of Civil and Criminal Justice and the superintendence of the settlement and realization of the Public Revenue and of all matters relating to rent within the tract of country in the Dehra Dhoon called Jounsar Bawur, are hereby vested in such Officer or Officers as the Lieutenant-Governor of the North-Western Provinces may for the purpose of tribunals of first instance or of reference and appeal appoint.

Rules for administration.

XII. The Officer or Officers so appointed shall be guided by the Rules made before the date fixed for this Act to come into operation by the Lieutenant-Governor of the North-Western Provinces under the authority of Act XIV of 1861 (*to remove certain tracts of country in the Rohilcund Division from the jurisdiction of the tribunals established under the general Regulations and Acts*), for the guidance of the Officers appointed to administer the tracts of country described in the said Act.

Code of Civil Procedure may be extended to certain tracts.

XIII. The Lieutenant-Governor of the North-Western Provinces may, by notification in the Official Gazette, extend the Code of Civil Procedure to the said tract of country known as Jounsar Bawur or the tracts of country described in the said Act XIV of 1861.

Tracts not to be held excluded by this Act or Act XIV of 1861 from operation of Indian Penal Code.

XIV. Nothing in this Act or in the said Act XIV of 1861 shall be held to exclude the said tract of country known as Jounsar Bawur, or the tracts of country described in the said Act XIV of 1861, from the operation of the Indian Penal Code.

Operation of Act.

XV. This Act shall come into operation on the first day of May 1864.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India,

Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor General on the 9th April 1864, and is hereby promulgated for general information:—

ACT NO. XXV OF 1864.

An Act to provide further for the solemnization of Marriages in India of persons professing the Christian Religion.

Preamble.

Whereas it is expedient to provide further for the solemnization of marriages in India of persons professing the Christian Religion; It is enacted as follows:—

PART I.

As to the persons by whom Marriage may be solemnized.

Marriage between persons professing the Christian Religion to be solemnized according to the provisions of this Act.

I. From and after the first day of July 1864 no marriage between persons, one of whom is a person, or both of whom are persons, professing the Christian Religion, shall be solemnized, except in accordance with the provisions hereafter stated in this Act.

Marriages by whom to be solemnized.

II. Marriages may be solemnized in India—

1st. By any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies, and customs, of the Church of which such person is a Minister.

2nd. By any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies, and customs, of the Church of Scotland.

3rd. By, or in the presence of, a Marriage Registrar under the provisions of the Statute 14 and 15 Vic, cap. 40, or of Act V of 1852 *(for giving effect to the provisions of an Act of Parliament passed in the 15th year of the reign of Her present Majesty entitled "An Act for Marriages in India")* of the Governor-General of India in Council.

4th. By any Minister of Religion who, under the provisions of this Act, has obtained a license to solemnize marriages.

5th. By any person who with respect to marriages between Native Christians, shall have received under the provisions of Part V of this Act a license to grant certificates of marriage.

Declaration and certificate heretofore required under certain Acts no longer required.

III. From and after the first day of July 1864, the declaration and certificate required by the Statute 58 Geo. III, Cap. 84, and Act XXIV of 1860 *(for the solemnization of Marriages in India by ordained Ministers of the Church of Scotland)* of the Governor-General of India in Council, shall be no longer required.

Licenses by whom to be granted.

IV. From and after the first day of July 1864 the Governor-General of India in Council, the Governors of Madras and Bombay in Council, and the Lieutenant-Governors of Bengal, the North-Western Provinces, and the Punjab, shall have authority to grant licenses to Ministers of Religion, to solemnize marriages within the territories subject to such Governor-General, Governors, and Lieutenant-Governors respectively.

Marriages solemnized otherwise than according to this Act to be void.

V. From and after the first day of July 1864, all marriages solemnized in India otherwise than in accordance with the provisions of Sections I and II of this Act, shall be null and void.

Marriages already solemnized by certain persons to be deemed valid.

VI. All marriages solemnized in India before the first day of July 1864 by persons who have not received episcopal ordination, or who have not otherwise received express authority to solemnize such marriages under Acts of Parliament or Acts of the Governor-General of India in Council, if not otherwise invalid, shall be deemed valid to all intents and purposes.

PART II.

As to the mode of solemnizing Marriages under this Act.

Notice of intended marriage to whom to be given. Form of notice.

VII. In every case of intended marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, otherwise than—

1st. Under the provisions of the Statute 14 and 15 Vic, cap. 40, or of the said Act V of 1852 of the Governor-General of India in Council: or

2nd. By a Clergyman of the Church of England according to the rites, rules, ceremonies, and customs, of that Church: or

3rd. By a Clergyman of the Church of Scotland according to the rites, rules, ceremonies, and customs of that Church: or

4th. By a person who has received a license to grant certificates of marriage between Native Christians under the provisions of Part V of this Act—

One of the parties shall give notice in writing according to the form prescribed by the Schedule (A) to this Act annexed or to the like effect, to the Minister of Religion whom he shall desire to solemnize the said marriage, and shall state therein the name or names, and the profession or condition, of each of the parties intending marriage, the dwelling place of each of them and the time (not being less than four days) during which each has dwelt there, and the Church, Chapel, or other place of, or generally used for, public worship, or the private dwelling in which the marriage is to be solemnized. Provided that if either party shall have dwelt in the place stated in the notice during more than one calendar month, it may be stated therein, that he or she has dwelt there one month and upwards. Provided also that at any place or Station where there is a Church or Chapel, or other building generally used for public worship, no Clergyman of the Church of England shall solemnize a marriage in a private dwelling or in any place except in such Church, or Chapel, or other building generally used for public worship, unless he has received a special license authorizing him to do so from and under the hand and seal of the Bishop of the Diocese, or from the Commissary of such Bishop. For such special license the Registrar of the Diocese shall be entitled to charge such additional fee as the Bishop of the Diocese may sanction.

Proviso.

Publication of Notice.

VIII. The Minister of Religion to whom such notice shall have been delivered, if he shall be entitled to officiate in the Church, Chapel, or place of, or generally used for, public worship in which it is intended to solemnize the said marriage, shall publish every notice of marriage received by him, by causing the same to be published and affixed in some conspicuous part of the said Church, Chapel, or place of, or generally used for, public worship in which it is intended that the said marriage shall be solemnized. If such Minister of Religion shall not be entitled to officiate as a Minister in such Church, Chapel, or place of, or generally used for, public worship, he shall at his option either return the said notice to the person delivering the same to him, or shall deliver the same to some other Minister entitled to officiate in such place of worship, who shall thereupon cause the same to be so published and affixed in the said Church, Chapel, or place of, or generally used for, public worship.

Notice of intended marriage in private dwelling.

IX. If it be intended that the marriage shall be solemnized not in a Church, Chapel, or other place of, or generally used for, public worship, but in a private dwelling, the Minister of Religion receiving the notice prescribed in Section VII shall forward it to the Marriage Registrar of the District, who shall affix the same to some conspicuous place in his own Office.

Procedure as to notice when one of the parties intending marriage is under twenty-one years of age.

X. When one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, every Minister as aforesaid who shall receive such notice, and who shall not forthwith return such notice to the party delivering the same under Section VIII shall, within twenty-four hours after the receipt by him thereof, send or cause to be sent by the Post, or otherwise, a copy of such notice to the Marriage Registrar of the District.

Publication of notice in such a case.

XI. The Marriage Registrar of the District on receiving any such notice shall affix the same to some conspicuous place in his own Office.

Appointment of Senior Marriage Registrar.

XII. If there be more Marriage Registrasr than one in any District, the local Government shall appoint one of such Registrars to be Senior Marriage Registrar, and such notice as aforesaid shall be sent to such Senior Marriage Registrar, who, on receiving the same, shall, besides affixing it in the manner laid down in the last preceding Section, send or cause to be sent a copy of such notice to all the other Marriage Registrars in the same District, who shall likewise affix the same in their own Offices or Churches, Chapels, or places of worship as aforesaid.

Issue of certificate of notice given and declaration made.

XIII. Any Minister of Religion who shall consent or intend to solemnize any such marriage as aforesaid, on being required so to do by or on behalf of the party by whom the notice was given, and upon one of the parties intending marriage making such declaration as is hereinafter required, shall issue under his hand a certificate of such notice having been given and of such declaration having been made. Provided no lawful impediment according to the law of England be shown to the satisfaction of such Minister why such certificate should not issue, and the issue of such certificate shall not have been sooner forbidden in the manner hereinafter mentioned, by any person authorized in that behalf.

Certificate in certain cases not to issue until fourteen days after receipt of notice of marriage.

XIV. When by such declaration it appears, or when it is otherwise known to such Minister of Religion, that one of the parties intending marriage, not being a widower or widow, is under twenty-one years of age, such Minister shall not issue such certificate until the expiration of fourteen days after the receipt by him of such notice of marriage.

Declaration to be made.

XV. Before any such certificate as aforesaid shall be issued by any such Minister, one of the parties intending marriage shall appear personally before such Minister, and shall make a solemn declaration that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage, and when either or each of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the person whose consent to such marriage is required by law has been obtained thereto, or that there is no person resident in India having authority to give such consent, as the case may be.

Consent of what person necessary to the marriage of a person under twenty-one years of age.

XVI. The father, if living, of any party under twenty-one years of age, such party not being a widower or widow, or if the father be dead the guardian or guardians of the person of the party so under age lawfully appointed, or one of them, and in case there be no such guardian then the mother of such party, shall have authority to give consent to the marriage of such party, and such consent is hereby required for the marriage of such party so under age, unless there be no person authorized to give such consent resident in India.

Notice by person whose consent is required prohibiting marriage.

XVII. Every person whose consent to a marriage is required as aforesaid, is hereby authorized to prohibit the issue of the certificate by any Minister as aforesaid, at any time before the issue of such certificate, by notice in writing to such Minister, subscribed by the person authorized as aforesaid, with his name and place of abode, and his or her character in respect of either of the parties, by reason of which he or she is so authorized.

Procedure on receipt of such notice by Minister, &c.

XVIII. If any such notice prohibiting the marriage shall be received by such Minister as aforesaid, he shall not issue his certificate, and shall not solemnize the said marriage until he shall have examined into the matter of the said prohibition, and shall be satisfied that the person prohibiting the said marriage is not authorized by law so to do, or until the notice of the said prohibition be withdrawn by the person who gave the same.

Procedure before issue of certificate in the case of a Native Christian.

XIX. When any Native Christian about to be married takes a notice of marriage to a Minister of Religion, or applies for a certificate from such Minister, such Minister shall, before issuing such certificate, ascertain whether such Native Christian is cognizant of the purport and effect of the said notice or certificate, and if not, shall translate or cause to be translated the said notice or certificate to such Native Christian in the language of such Native Christian, or in some language which he understands.

Form of certificate.

XX. The certificate to be issued by such Minister as aforesaid, may be in the form prescribed by the Schedule (B) to this Act annexed, or to the like effect.

After issue of certificate, marriage may be solemnized.

XXI. After the issue of the certificate by such Minister of Religion, marriage may be solemnized between and by the parties therein described according to such form or ceremony as such Minister shall see fit to adopt. Provided that it be solemnized in the presence of at least two witnesses.

New notice and certificate required after two months.

XXII. Whenever a marriage is not solemnized within two calendar months after the date of the certificate which shall have been issued by such Minister as aforesaid, such certificate and all other proceedings thereon shall be void, and no person shall proceed to solemnize the said marriage until new notice shall have been given and certificate thereof issued in the manner aforesaid.

Proof of certain particulars as to marriage solemnized according to Part I not necessary.

XXIII. Provided that whenever any marriage has been solemnized by a Minister of Religion in accordance with the provisions of Part I of this Act, it shall not be necessary in support of such marriage to give any proof in respect of the dwelling of the parties, or of the consent of any person whose consent is thereunto required by law, or of the notice of marriage, or of the certificate or the translation thereof respectively, or in respect of the hours between which the same may have been solemnized; nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

PART III.

Time for solemnizing Marriages.

Marriages between what hours to be solemnized.

XXIV. Every marriage solemnized in India from and after the first day of July 1864, by any person who has received episcopal ordination, or by any clergyman of the Church of Scotland, or by any Minister licensed under this Act to solemnize marriages, shall be solemnized between the hours of six in the morning and seven in the evening. But the provisions of this Section shall not apply to a clergyman solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening, from and under the hand and seal of the Bishop of the Diocese, or from his Commissary. For such special license the Registrar of the Diocese shall be entitled to charge such additional fee as the Bishop of the Diocese may sanction.

Proviso.

PART IV.

As to the Registration of Marriages in India.

All marriages with certain exceptions to be registered as hereinafter prescribed.

XXV. All marriages solemnized in India from and after the first day of July 1864, between persons both or one of whom shall profess the Christian Religion, except marriages solemnized under the said Statute 14 and 15 Vic, cap. 40, and the said Act V of 1852 of the Governor-General of India in Council, shall be registered in the manner hereinafter prescribed. Provided that no omission or defect in such registration shall invalidate any marriage not otherwise invalid.

Register of marriages solemnized by Clergymen of the Church of England.

XXVI. Every marriage solemnized by a Clergyman of the Church of England shall be registered by the Clergyman solemnizing the same in the Register of Marriages of the Station or District in which the marriage shall be solemnized, according to the form contained in the Schedule (C) to this Act annexed.

Returns of entries in Register of marriages, to be forwarded quarterly by Clergymen of the Church of England to the Registrar of the Archdeaconry.

XXVII. Every Clergyman of the Church of England shall send four times in every year returns in duplicate, authenticated by the signature of such Clergyman, of the entries in the Register of marriages solemnized at or in any Station or District at which such Clergyman shall have any spiritual charge, to the Registrar of the Archdeaconry to which he shall be subject, or within the limits of which such Station or District shall be situated. Such quarterly returns shall contain all the entries of marriages contained in the said Register from the first day of January to the thirty-first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September, and from the first day of October to the thirty-first day of December, of each year respectively, and shall be transmitted by such Clergyman within two weeks from the expiration of each of the quarters above specified. The said Registrar upon receiving the same shall transmit one duplicate to the Secretary to the Government at the Presidency in which such Archdeaconry shall be.

Register and returns of marriages by Clergymen of the Church of Scotland.

XXVIII. Every marriage solemnized by a Clergyman of the Church of Scotland shall be registered by the Clergyman solemnizing the same in a Register of Marriages to be kept by him for the Station or District in which the marriage shall be solemnized, in the form prescribed in Section XXVI for marriages solemnized by Clergymen of the Church of England, and such Clergyman shall forward quarterly to the Secretary to Government, through the Senior Chaplain of such Church, returns similar to those prescribed in the preceding Section for Clergymen of the Church of England, of all marriages solemnized by him.

Certain marriages to be registered in duplicate in Marriage Register Book and also in a counterfoil certificate.

XXIX. After the solemnization of any marriage under this Act by any person who has received episcopal ordination, but who is not a Clergyman of the Church of England, or by any Minister of Religion licensed under this

Act to solemnize marriages, the person solemnizing the same shall forthwith register such marriage in duplicate:—that is to say, in a Marriage Register Book to be kept by him for that purpose, according to the form prescribed by the Schedule (D) to this Act annexed, and also in a certificate attached to the Marriage Register Book as a counterfoil.

Entries of marriage in certificate and in Register Book to be signed and attested.

XXX. The entry of such marriage in both the certificate and Marriage Register Book shall be signed by the person by whom the said marriage has been solemnized and also by the parties married, and shall be attested by two witnesses who were present at the solemnization of the marriage, and every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the Marriage Register Book.

Certificate to be separated from Marriage Register Book and forwarded to Marriage Registrar for transmission to Government.

XXXI. The person solemnizing the said marriage shall forthwith separate the certificate from the Marriage Register Book, and transmit it within one calendar month from the time of the solemnization of the said marriage to the Marriage Registrar of the District in which such marriage was solemnized, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall cause the same to be copied into a book to be kept by him for that purpose, and shall transmit all the said certificates which he shall have received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Secretary to the Government of the Presidency or Lieutenant-Governorship within which he resides, together with the certificates from his own Marriage Register Book which he shall transmit under the twelfth Section of the said Statute 14 and 15 Vic, cap. 40, but distinct therefrom.

Copies of certificates.

XXXII Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage Registrar indicating the number of the entry of the said copy in the said book, according to the order in which each certificate was received by the said Marriage Registrar.

Registrar to add number of copy to the certificate, &c.

XXXIII. The Marriage Registrar shall also add such last mentioned number of the entry of the copy in the book, to the certificate, with his signature or initials, and shall at the end of every month transmit the same to the Secretary to the Government of the Presidency, or Lieutenant-Governorship, as aforesaid.

Custody and disposal of Register Book of marriages solemnized under Part V.

XXXIV. The person solemnizing any such marriage as is provided for in Part V of this Act, shall keep safely the said Register Book until the same shall be filled, or if he shall leave the District in which he solemnized the marriage before the said book is filled, shall make over the same to the person who shall succeed to his duties in the said District, who shall keep safely the same, and shall enter therein the entries by this Act required to be made in respect of any marriage solemnized by him within the said District; and the person having the control of the book at the time when the same shall be filled, shall transmit the same to the Marriage Registrar of the District, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall transmit the same to the Secretary to the Government at the Presidency as aforesaid, to be kept by him with the records of his office.

Transmission of certificates of certain marriages to Secretary of State for India.

XXXV. Provided that with regard to the marriages so certified, of which it may appear to the Governor-General of India in Council desirable that evidence shall be transmitted to England, the Secretary to the Government shall, at the end of every three calendar months in each year, send all the certificates of marriage sent to him as aforesaid during such three months, signed by him, to the Secretary of State for India, for the purpose of being delivered to the Registrar General of Births, Deaths, and Marriages in India.

Correction of errors.

XXXVI. Any person charged with the duty of registering any marriage, who shall discover any error to have been committed in the form or substance of any such entry, may within one calendar month next after the discovery of such error, in the presence of the parties married, or, in case of their death or absence in the presence of two other credible witnesses who shall respectively attest the same, correct the erroneous entry according to the truth of the case by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and such person shall make the like marginal entry, attested in the like manner, in the certificate thereof, and in case such certificate shall have been already transmitted to the Secretary to the Government of the Presidency or place within which he resides, such person shall make and transmit in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

Searches may be made and certificates or copies given.

XXXVII. Every person solemnizing a marriage under this Act and hereby required to register the same, and every Marriage Registrar or Secretary to Government who shall have the custody for the time being of any Register of Marriages, or of any certificate or copies of certificate under this Act, shall at all reasonable times allow searches to be made of any Marriage Register Book, or of any certificate, or duplicate, or copies of certificate in his custody, and shall give a copy under his hand of any entry or entries in the same on the payment of the fees hereinafter mentioned: that is, for every search extending over a period of not more than one year the sum of one Rupee, and four annas additional for every additional year, and the sum of one Rupee for every single certificate.

Appropriation of fees.

XXXVIII. All fees received by a Marriage Registrar or Secretary shall be accounted for and paid over by him to Government, and all fees received by a person solemnizing a marriage not being a Marriage Registrar, may be retained by such person.

Certified copy of entry in Marriage Register, &c., to be received in evidence without further proof.

XXXIX. Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any Marriage Register or certificate or duplicate certificate required to be kept or delivered under this Act, of any entry of a marriage in such Register, or of any such certificate or duplicate certificate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such Register or certificate, or duplicate copy, or of any entry therein respectively, or of such copy.

This part not to apply to Registers or certificates of certain marriages solemnized by Marriage Registrars.

XL. Nothing contained in this Part of this Act shall apply to the Register or certificate of any marriage solemnized under the said Statute 14 and 15 Vic, cap. 40, or the said Act V of 1852 of the Governor-General of India in Council.

PART V.

As to the Marriage of certain Native Christians.

Provision for marriages of certain Native Christians.

XLI. And whereas it is expedient to make provision for the marriage of certain Native Christians to whom the provisions of the said Statute 14 and 15 Vic, cap. 40, and the said Act V of 1852 of the Governor-General of India in Council are found not to be suitable, it shall be lawful for the local Government of any Presidency or place, or the Chief Commissioner of any Province, to issue a license to any person, authorizing him to grant certificates of marriage between Native Christians, being converts from any religion in India.

No notice or certificate necessary before marriage, but subsequent certificate may be given on certain conditions.

XLII. It shall not be a necessary preliminary to the grant of a certificate by any person licensed under the last preceding Section, that any notice of marriage should have been given by either of the parties to such marriage, or that any certificate should have been issued of any notice having been given under the provisions of the said Act V of 1852 of the Governor-General of India in Council, or otherwise, and every marriage between Native Christians as aforesaid applying for a certificate under this Part of this Act, shall be certified under this Part of this Act if the following conditions be fulfilled, and not otherwise:

1. The age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years:

2. The man and the woman shall not stand to each other within the prohibited degrees of consanguinity or affinity:

3. Neither of the parties intending to be married shall have a wife or husband still living:

4. In the presence of the person so licensed and of at least two witnesses, each of the parties shall say to the other—

"I call upon these persons here present to witness that I, A. B., in the presence of Almighty God, do take thee, C. D., to be my lawful wedded wife (*or husband*)" or words to the like effect:

5. That such declaration be made between the hours of six in the morning and seven in the evening.

On marriage being duly performed, licensed person to grant a certificate thereof.

XLIII. When in respect to any marriage falling under this Part of this Act, the conditions prescribed in the last preceding Section shall have been fulfilled, it shall be the duty of the person licensed as aforesaid in whose presence the said declaration shall have been made to grant a certificate of such marriage on the application of either of the parties to such marriage on the payment of a fee of four annas. Such certificate shall be signed by such licensed person, and shall be received as conclusive evidence of such marriage having been performed, in any suit touching the validity of such marriage, and no evidence to prove the contrary shall be received in any such suit.

Licenses may be revoked.

XLIV. The local Government, or the Chief Commissioner, may at any time revoke any license granted by such Government or Chief Commissioner under Section XLI of this Act.

Grant or revocation of license to be notified in the Gazette.

XLV. The grant or revocation of any license under Sections XLI and XLIV respectively of this Act shall be notified in the Official Gazette.

Marriages performed under the provisions of Section XLII to be good and valid.

XLVI. All marriages performed between Native Christians as aforesaid, in accordance with the provisions of Section XLII of this Act, shall be good and valid to all intents and purposes.

Register Book to be kept.

XLVII. A Register Book of all marriages of which certificates shall be granted under Section XLIII of this Act, shall be kept by the person granting such certificates in his own vernacular language. Such Register Book shall be kept according to such form as the local Government shall from time to time prescribe, and true extracts therefrom duly authenticated shall be deposited at such places and at such times as the local Government shall direct.

Searches to be allowed in the Register Book.

XLVIII. Every person licensed under this Act to grant certificates of marriage and who shall have the custody of a Marriage Register Book under the last preceding Section, shall at all reasonable times allow search to be made in such Book in his custody, and shall give a copy certified under his hand of any entry or entries in the same on the payment of the fees hereinafter mentioned: that is to say—for every search extending over a period not exceeding two years the sum of eight annas, and two annas additional for every additional year.

PART VI.

As to Penalties.

Punishment for false oath, declaration, notice, or certificate, for procuring marriage.

XLIX. Whoever intentionally makes any false oath or declaration or signs any false notice or certificate required by the said Statute 14 and 15 Vic, cap. 40, or the said Act V of 1852 of the Governor-General of India in Council, or by this Act, for the purpose

of procuring any marriage, shall be guilty of the offence described in Section 193 of the Indian Penal Code, and on conviction shall be liable to the punishment prescribed in that Section.

Punishment for forbidding the issue of a Marriage Registrar's certificate by false representation.

L. Whoever forbids the issue by a Marriage Registrar of a certificate, by falsely representing himself or herself to be a person whose consent to the marriage is required by law, knowing such representation to be false, shall be guilty of the offence described in Section 205 of the Indian Penal Code, and shall on conviction be liable to the punishment prescribed in that Section.

Punishment for a person, not duly authorized, solemnizing a marriage.

LI. Whoever, not being authorized under Section II of this Act to solemnize a marriage shall, on or after the first day of July 1864, knowingly and wilfully solemnize a marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, in the absence of a Marriage Registrar of the District in which such marriage is solemnized, shall be punished with imprisonment of either description as defined in the Indian Penal Code, which may extend to ten years, and shall also be liable to fine, or in lieu of a sentence of imprisonment for seven years or upwards, to transportation for a term of not less than seven years and not exceeding ten years; or if the offender be an European or American, to penal servitude according to the provisions of Act XXIV of 1855 (*to substitute penal servitude for the punishment of transportation in respect of European and American Convicts, and to amend the law relating to the removal of such Convicts.*)

Punishment for solemnizing a marriage at an unauthorized hour, &c.

LII. Whoever shall, from and after the first day of July 1864 knowingly and wilfully solemnize a marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, at any time otherwise than between the hours of six in the morning and seven in the evening, or in the absence of at least two witnesses, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to three years, and shall also be liable to fine. But the provisions of this Section shall not apply to marriages solemnized under special licenses granted by the Bishop of the Diocese or by his Commissary.

Punishment for solemnizing marriage when either party is under age, before expiry of fourteen days after notice.

LIII. Any Minister of Religion licensed to solemnize marriages under this Act who shall knowingly and wilfully solemnize a marriage when one of the parties to such marriage, not being a widower or widow, is under twenty-one years of age, within fourteen days after the receipt by him of notice of such marriage, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to three years, and shall also be liable to fine. But the provisions of this Section shall not apply to marriages solemnized between Native Christians under the provisions of Part V of this Act.

Punishment for Registrars issuing certificates, or solemnizing marriages without publication of notice, &c.

LIV. Whoever, being a Marriage Registrar appointed under the provisions of the said Act V of 1852 of the Governor-General of India in Council, shall knowingly and wilfully issue any certificate for marriage, or solemnize any marriage under the said Act V of 1852, without publishing or affixing in some conspicuous place the notice of such marriage as directed by the said Act, or after expiration of two calendar months after a certificate in respect of a marriage shall have been issued by him shall solemnize such marriage, or shall, without an order of a competent Court authorizing him to do so, solemnize any marriage when one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, before the expiration of fourteen days after the receipt of such notice as is required by the said Act, or without sending or causing to be sent by the Post or otherwise a copy of such notice of marriage to the Marriage Registrar of the District, or, if there be more marriage Registrars than one, to the Senior Marriage Registrar of the District, or shall issue any certificate, the issue of which shall have been prohibited as in this Act provided by any person authorized to prohibit the issue thereof, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to five years, and shall also be liable to fine.

Punishment for persons authorized under this Act, solemnizing marriages without publication of notices, &c.

LV. Whoever, being a person authorized under the provisions of this Act to solemnize a marriage, and not being a clergyman of the Church of England solemnizing a marriage after due publication of Banns or under a license from the Bishop of the Diocese or a Surrogate duly authorized in that behalf, or not being a Clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies, and customs of that Church, shall knowingly and wilfully issue any certificate for marriage under this Act, or solemnize any marriage between such persons as aforesaid, without publishing or causing to be affixed the notice of such marriage as directed in Part II of this Act, or after the expiration of two calendar months after the certificate shall have been issued by him, or shall knowingly and wilfully issue any certificate for marriage, or solemnize a marriage between such persons, when one of the persons intending marriage, not being a widower or widow, is under twenty-one years of age, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending or causing to be sent by the Post or otherwise a copy of such notice to the Marriage Registrar, or if there be more Marriage Registrars than one to the senior Marriage Registrar of the District, or shall knowingly and wilfully issue any certificate, the issue of which shall have been forbidden under this Act, by any person authorized to forbid the issue, or shall knowingly and wilfully solemnize any marriage which shall have been forbidden by any person authorized to forbid the same, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to four years, and shall also be liable to fine.

Punishment for unlicensed person granting certificate of marriage under Part V.

LVI. Whoever, not being licensed to grant a certificate of marriage under Part V of this Act, shall grant such certificate intending thereby to make it appear that he is so licensed, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to five years, and shall also be liable to fine.

Punishment for making false entries.

LVII. Whoever shall wilfully insert or cause to be inserted any false entry in any such Register Book, or such authenticated extract therefrom as is mentioned in Section XLVII of this Act, shall be liable to the punishment prescribed by Section 193 of the Indian Penal Code.

Jurisdiction.

LVIII. Offences punishable under this Act shall be tried under the provisions of the Code of Criminal Procedure by the Court of Session as defined in the said Code of Criminal Procedure; provided that no European British subject shall be liable to be tried for any offence punishable under this Act except by one of Her Majesty's High Courts of Judicature in India. In cases beyond the limits of the Presidency Towns of Calcutta, Madras, and Bombay, charges against European British subjects for any offence under this Act shall be investigated, and the committal for trial shall be made, under the provisions of Sections 39, 40, and 41 of the Code of Criminal Procedure, and the trial of European British subjects under this Act by any of the said High Courts shall be under the procedure by which the proceedings of the said High Courts are regulated.

Code of Criminal Procedure applicable to investigations and committals under this Act.

LIX. Except as provided in the last preceding Section, the provisions of the Code of Criminal Procedure shall apply to the investigation and committal in all cases of charges under this Act. Provided that a summons shall ordinarily issue in the first instance, and provided also that offences punishable under this Act shall be bailable.

Meaning of "Church of England."

LX. The words "Church of England," wherever used in this Act, shall mean the United Church of England and Ireland as by law established:

"Church of Scotland."

The words "Church of Scotland," wherever used in this Act, shall mean the Church of Scotland as by law established.

Operation of Act.

LXI. This Act shall come into operation on the first day of July 1864.

SCHEDULE (A)—(See Section VI).

NOTICE OF MARRIAGE.

To *the Rev. John Brown*, a Minister of the *Free Church of Scotland, at Calcutta.*

I hereby give you notice, that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say),

NAME.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, or place of worship, in which the marriage is to be solemnized.	District in which the other party resides when the parties dwell in different Districts.
James Smith.	*Widower.*	*Carpenter.*	*Of full age.*	*16, Clive Street.*	*23 days.*	*Free Church of Scotland Church, Calcutta.*	
Martha Green.	*Spinster.*	.....	*Minor.*	*20, Hastings' Street.*	*More than a month.*		

Witness my hand, this *sixth* day of *July, one thousand eight hundred and sixty-four.*

(Signed) JAMES SMITH.

(The *Italics* in this Schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another District.)

SCHEDULE (B)—(See Section XX).

Registrar's Certificate.

I, *the Reverend John Brown, a Minister of the Free Church of Scotland at Calcutta in Bengal,* do hereby certify, that on the *sixth* day of *July* 1864, notice was duly entered in my Marriage Notice Book of the marriage intended between the parties therein named and described, delivered under the hand of *James Smith,* one of the parties (that is to say),

	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, or place of worship, in which the marriage is to be solemnized.	District in which the other party resides when the parties dwell in different Districts.
James Smith.	*Widower.*	*Carpenter.*	*Of full age.*	*16, Clive Street.*	*23 days.*	*Free Church of Scotland Church, Calcutta.*	
Martha Green.	*Spinster.*	.....	*Minor.*	*20, Hastings' Street.*	*More than a month.*		

and that the declaration required by Section XV of this Act has been duly made by the said (*James Smith*)

Date of notice entered *sixth July* 1864.
Date of certificate given *twentieth July* 1864.

The issue of this Certificate has not been prohibited by any person authorized to forbid the issue thereof.

Witness my hand, this *Twentieth* day of *July one thousand eight hundred and sixty-four.*

(Signed) JOHN BROWN,
Minister of the Free Church of Scotland.

This certificate will be void unless the marriage is solemnized on or before the *twentieth* day of *September* 1864.

(The *Italics* in the Schedule are to be filled up as the case may be, and the blank division thereo is only to be filled up when one of the parties lives in another District).

SCHEDULE (C)—(See Section XXVI).

FORM OF REGISTER OF MARRIAGES.

Quarterly Returns
of
MARRIAGES,
for
The Archdeaconry of ... { *Calcutta, Madras, Bombay.*

I, Registrar of the Archdeaconry of *Calcutta, Madras, Bombay,* do hereby Certify, that the annexed are correct Copies of the Original and Official Quarterly Returns of Marriages within the Archdeaconry of *Calcutta, Madras, Bombay,* as made and transmitted to me for the Quarter commencing the *First* day of *January* ending the *Thirty-first* day of *March,* in the Year of Our Lord One Thousand Eight Hundred and Sixty-four.

(*Signature of Registrar*)
Registrar of the Archdeaconry of ... { *Calcutta, Madras, Bombay,*

MARRIAGES solemnized at... { *Allahabad, Barrackpore, Bareilly, Calcutta, &c., &c.*

When Married.	Names of Parties.		Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's Name and Surname.	By Banns or License.	Names of Witnesses Present.	By whom Married.
	Christian.	Surname.								
1864, 14th July	*William John*	*Hastings*	...	*Bachelor*	*Upholsterer*	*Hastings' Street*	*Peter Hastings*	*Banns*	*John Thomas Green, Thomas Hastings, Willm. Geo. Mitchell, Harriet Eliza Mitchell,*	*Henry Fisher, Senior Chaplain.*
	Sophia Ann.	*Mitchell*	...	*Spinster*	.....	*Lower Circular Road*	*Geoffry Mitchell*			

SCHEDULE (D)—(See Section XXIX).

MARRIAGE REGISTER BOOK.

No.	When Married.			Name of Parties.		Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's Name and Surname.
	Day.	Month.	Year.	Christian.	Surname.					
1	26th	July	1864	James ... Martha ...	White ... Duncan ...	26 years 17 years	Widower.. Spinster ..	Carpenter ...	Agra Agra	William White. John Duncan ...

Married in the Free Church of Scotland Church, Agra.

John Young, Minister of the Free Church of Scotland.

This Marriage was solemnized between us { James White, Martha Duncan, } in the presence of us, { John Smith. John Green. }

CERTIFICATE OF MARRIAGE.

No.	When Married.			Name of Parties.		Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's name and Surname.
	Day.	Month.	Year.	Christian.	Surname.					
1	26th	July	1864.	James ... Martha ...	White ... Duncan ...	26 years 17 years	Widower.. Spinster...	Carpenter ...	Agra Agra	William White. John Duncan.

Married in the Free Church of Scotland Church, Agra.

John Young, Minister of the Free Church of Scotland.

This Mariage was solemnized between us { James White, Martha Duncan, } in the presence of us, { John Smith. John Green. }

C. BOULNOIS,
Offg. Deputy. Secy. to Govt. of India, Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 14th April 1864, and is hereby promulgated for general information :—

ACT No. XXVI OF 1864.

An Act to extend the jurisdiction of the Courts of Small Causes at Calcutta, Madras, and Bombay, and to provide for the appointment of an increased number of Judges of those Courts.

Preamble.

Whereas it is expedient to increase the limit of the jurisdiction of the Courts of Small Causes held under Act IX of 1850 *(for the more easy recovery of small debts and demands in Calcutta, Madras, and Bombay)*, and to increase the number of Judges of the said Courts: It is enacted as follows :—

Interpretation.

I. The words "Local Government" and "High Court" as used in this Act, shall bear respectively the same meaning as the words "Governor in Council" and "Supreme Court", as used in the said Act IX of 1850.

The Small Cause Courts may take cognizance of suits for sums not exceeding one thousand Rupees.

II. The jurisdiction of the Courts held or to be held under the said Act IX of 1850 shall extend to the recovery of any debt, damage, or demand exceeding the sum of five hundred Rupees but not exceeding the sum of one thousand Rupees, and to all actions in respect thereof (except the several actions specified in the proviso in Section XXV of the same Act), provided that the cause of action shall have arisen or the defendant at the time of bringing the action shall dwell or carry on business or personally work for gain within the local limits of the jurisdiction of the Court.

The Small Cause Court may take cognizance of suits for sums exceeding one thousand Rupees if the parties consent.

III. If both parties shall agree by a Memorandum signed by them or by their Attornies and filed with the Clerk of the Court of Small Causes, that the said Court shall have power to try any action (not included in the proviso in Section XXV of Act IX of 1850), in which the debt or damage claimed or value of the property in dispute whether on balance of account or otherwise shall exceed the sum of one thousand Rupees, then and in such case the said Court shall have jurisdiction to try such action.

Powers and provisions of Act VII of 1847 extended to recovery of arrears of rent not exceeding one thousand Rupees, and Calcutta Court of Small Causes empowered to exercise extended powers.

IV. The powers and provisions of Act VII of 1847 *(to regulate distresses for small rents in Calcutta)* shall be extended to the recovery of all arrears of rent not exceeding one thousand Rupees, and the Judges of the Calcutta Court of Small Causes under Act IX of 1850 shall be empowered to exercise within their jurisdiction the extended powers of the said Act VII of 1847: and the said Act shall be construed as if, instead of Calcutta and the Settlement of Fort William in Bengal, the limits of the jurisdiction of the Court had been therein mentioned, and the Judges of the Calcutta Court of Small Causes under Act IX of 1850 instead of the Commissioners of the Court therein mentioned, and the amount of one thousand Rupees instead of one hundred Rupees, and the forms

contained in the Schedule annexed to the said Act VII of 1847 shall be altered accordingly, and shall refer to Act IX of 1850 and to this Act instead of to Act VII of 1847.

Powers and provisions of Section XCI Act IX of 1850 extended to cases not exceeding one thousand Rupees.

V. The powers and provisions of Section XCI of Act IX of 1850 are hereby extended so as to apply to the case of any person who shall hold or occupy any house, land, or tenement of which the value or the rent payable in respect thereof does not exceed the rate of one thousand Rupees by the year, and the said Section XCI of Act IX of 1850 shall be read as if the words "five hundred" were omitted, and the words "one thousand" substituted for them.

Powers and provisions of Act IX of 1850, and all rules, &c., made in pursuance thereof extended to debts, damages, and demands exceeding five hundred Rupees.

VI. The several powers and provisions of the said Act and all rules, orders, and regulations which have been or may be made in pursuance of the said Act, shall extend to all debts, damages, and demands which may be sued for in the said Courts exceeding the sum of five hundred Rupees, and to all proceedings and judgments for the recovery of the same, or otherwise in relation thereto respectively, as fully and effectually, to all intents and purposes, as the same respectively are now or may be applicable to debts, damages, and demands within the present jurisdiction of the said Courts.

In causes for an amount exceeding five hundred Rupees, Judges shall reserve case for opinion of High Court when they have doubts themselves, or when either of the parties require them to do so.

VII. In any cause of an amount exceeding five hundred Rupees, the Judges of the said Courts of Small Causes shall reserve any question of law or equity or any question as to the admission or rejection of any evidence as to which they shall entertain any doubts, or which they shall be requested by either party to the suit to reserve, for the opinion of the High Court, and shall give judgment contingent upon the opinion of the said High Court, on a case which they shall thereupon be entitled to state to the said Court. If only two Judges sit together and shall differ in opinion, the question on which they differ shall be so reserved.

Security to be given in certain cases when case is reserved.

VIII. When judgment is given contingent upon the opinion of the High Court, the party against whom such judgment is given shall, unless he be willing to submit to such judgment, forthwith give security to be approved by the Clerk of the Court, for the costs of the reference to the High Court and for the amount of the judgment; provided nevertheless, that such security, so far as regards the amount of the judgment, shall not be required in any case where the Judge of the Court of Small Causes who tried the suit shall have ordered the defendant to pay the amount of such judgment into the hands of the Clerk of the said Court and the same shall have been paid accordingly; and the said High Court may either order a new trial on such terms as it thinks fit, or may order judgment to be entered for either party as the case may be, and may make such order with respect to the costs of reserving the question and stating the same for their opinion, and otherwise arising thereout or connected therewith, as such High Court may think proper. And all orders made by the High Court under this Section shall be final.

Costs of sending up the case to be at the discretion of the High Court.

No costs in cases brought in the High Court when verdict is for less than one thousand Rupees unless Judge certifies &c.

IX. If any action shall after the passing of this Act be commenced in the High Court, for any cause other than those specified in Section C of Act IX of 1850, for which a summons might have been taken out from a Court held under the said Act IX of 1850 or under this Act, and in which such Court would have had jurisdiction, and if a verdict shall be found for the plaintiff for a sum less than one thousand Rupees if the said action is founded on contract, or less than three hundred Rupees if it is founded on wrong, the plaintiff shall have judgment to recover such sum only and no costs, and if a verdict shall not be found for the plaintiff, the defendant shall be entitled to his costs as between attorney and client, unless in either case the Judge who shall try the case shall certify that by reason of the difficulty, novelty, or general importance of the case, or of some erroneous course of decisions in like cases in the Court of Small Causes, the action was fit to be brought in the High Court.

In suit in High Court against Officer of Court, if no verdict for more than one thousand Rupees, no costs allowed unless Judge shall certify.

X. If any person shall bring any suit in the High Court in respect of any grievance committed by the Clerk, Bailiff, or Officer of any Court held under Act IX of 1850 or under this Act, or under color or pretence of the process of the said Court, and upon the trial of the action no greater damages shall be found for the plaintiff than the sum of one thousand Rupees, no cost shall be awarded to the plaintiff in such action unless the Judge shall certify in Court that the action was fit to be brought in the High Court.

Fees payable to the Courts of Small Causes in suits under this Act.

XI. There shall be payable in the Court of Small Causes at Calcutta, Madras, and Bombay respectively, in every cause of an amount to which jurisdiction is given to the said Court by this Act, the fees set forth in the Schedule hereto annexed, besides the sum of two annas in each Rupee of the amount sued for, so far as such amount does not exceed five hundred Rupees, and one anna in the Rupee so far as such amount exceeds five hundred Rupees, which fee shall be paid over to the same account as that to which the fees payable under Section XIX of Act IX of 1850 are paid over.

Government may appoint as many Judges as may be necessary.

XII. Whereas by Section VIII of the said Act IX of 1850, provision is made for the appointment of so many persons as may be necessary not exceeding three, to be Judges of the said Courts of Small Causes respectively, it is hereby enacted that it shall be lawful for the local Government with the previous sanction of the Governor-General of India in Council, to appoint as many persons as may be necessary to be Judges of the said Courts respectively.

Fees payable to Barristers and Attornies in suits tried under this Act.

XIII. The fees to be taken by Barristers at Law and Attornies practising in the said Courts in cases brought within the jurisdiction given by this

Act, shall be as follows :—an Attorney shall be entitled to have or recover a sum not exceeding fifty-one Rupees for his fees and costs, and in no case shall any fee exceeding eighty-five Rupees be allowed for employing a Barrister as Counsel in the cause. The expense of employing a Barrister or an Attorney, or both a Barrister and an Attorney, either by plaintiff or defendant, shall not be allowed as costs, unless by order of the Judge, and the Judges of the said Court shall determine in what cases such expenses shall be so allowed.

One of the Judges appointed under Act IX of 1850 to be styled First Judge; and to arrange the distribution of business among the other Judges.

XIV. Of the Judges appointed under Section VIII of the said Act IX of 1850, the one who is a Barrister at law or Advocate of one of the High Courts of India or of the Court of Session of Scotland shall be styled the First Judge. The First Judge shall make such arrangements as he shall think fit, with regard to the distribution of the suits and of the general business of the Court among the various Judges thereof: and he may vary such arrangements from time to time.

Code of Civil Procedure may be extended in certain cases to Small Cause Courts.

XV. The Local Government may, with the sanction of the Governor-General of India in Council, declare that the whole or any part or parts of the Code of Civil Procedure shall be applicable to any Court held under Act IX of 1850 or under this Act: and the procedure prescribed in the said Code or the part or parts thereof so declared to be applicable shall thereupon be the procedure followed in such Court: Provided that no right of appeal or review shall in any case be given by any declaration made under this Section.

This Act to be read as part of Act IX of 1850.

XVI. This Act and the said Act IX of 1850 shall be read and construed as one Act, as if the several provisions in the said Act contained, not inconsistent with the provisions of this Act, were repealed and re-enacted in this Act.

SCHEDULE OF FEES.

Sums not above	Every Summons or Subpœna.		Warrant.	
Rs.	Rs.	As.	Rs.	As.
600	2	4	6	0
700	2	8	7	0
800	2	12	8	0
900	3	0	9	0
1,000	3	4	10	0

C. BOULNOIS,
Offg. Depy. Secy. to the Govt. of India,
Home Dept.

HOME DEPARTMENT.

No. 2674.

Fort William, the 13th April 1864.

Notification.—His Excellency the Governor General in Council is pleased to grant to the Hon'ble H. B. Harington, 2nd Ordinary Member of the Council of the Governor General of India, leave of absence on medical certificate for a period of six months, with effect from the date of the departure of the next mail Steamer for Suez.

No. 2676.

Mr. J. W. S. Wyllie, Under Secretary to the Government of India in this Department, has obtained leave of absence to Europe for fifteen months under Section 6 of the Civil Furlough Regulations, with effect from the date of the departure of the next Mail Steamer for Suez.

Mr. Wyllie is also allowed four days' preparatory leave.

Mr. A. P. Howell, Assistant Secretary to the Government of the North-Western Provinces, is appointed to officiate as Under Secretary to the Government of India in the Home Department, during Mr. Wyllie's absence, or until further orders.

No. 2752.

Messrs. C. A. Roe, F. W. R. Cowley, F. W. V. Peterson, T. W. H. Tolbort, J. Frizelle, and D. M. Barbour, Junior Civil Servants, having, within the prescribed interval after arrival in India, passed examinations in two languages, have each been presented with the authorized donation of Rs. 800.

E. C. BAYLEY,
Secy. to the Govt. of India.

No. 2756.

Notification.—The following "Notice to Mariners" is re-published for general information :—

NOTICE TO MARINERS.

The Red Refractors of Round Island Light, Trincomalie, having been removed, the Fixed Bright Light will be observed from every point of the horizon.

This Notice should be considered with the Notice dated Master Attendant's Office, Colombo, 19th December 1863.

(Sd.) JAMES DONNAN,
Master Attendant.

MASTER ATTENDANT'S OFFICE,
Colombo, 29th January 1864.

No. 2757.

The 14th April 1864.

The late Mr. Martin Richard Gubbins' resignation of the Civil Service is to be considered as taking effect from the 23rd of December 1862, instead of the 31st of that month, as stated in Notification No. 3827, dated the 16th of June 1863.

No. 2758.

Leave.—The Honorable L. S. Jackson, Puisne Judge of the High Court of Judicature at Fort

William in Bengal, availed himself, on the 12th instant, of the leave of absence granted to him in Notification dated 15th ultimo.

No. 2759.

The 15th April 1864.

Notification.—Mr. Charles Swinton Hogg has been appointed by the Chief Justice of the High Court of Judicature at Fort William in Bengal, with the sanction of the Governor General in Council, to be the Official Trustee of Bengal.

No. 2760.

The services of Captain R. Baring, Her Majesty's 19th Hussars, Aide-de-Camp to the Viceroy, are placed at the disposal of the Military Department from the 23rd instant.

No. 2765.

Major R. W. H. Fanshawe, Inspecting Post Master of the Patna Division, received charge of the Office of Post Master of Calcutta, from Mr. McGowan, on the afternoon of the 6th instant.

No. 2766.

Promotion.—Mr. J. W. Grinnol, of the Telegraph Department, is appointed an Assistant Superintendent of Telegraphs, vice Mr. P. Lonergan, deceased.

J. W. S. WYLLIE,
Under Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

MILITARY.

No. 108.

Fort William, 11th April 1864.

Assistant Surgeon F. Odevaine is appointed to the Medical charge of the 2nd Regiment Central India Horse, *vice* Dr. W. F. B. Dalzel, proceeded to Europe on medical certificate.

No. 111.

His Excellency the Viceroy and Governor General in Council is pleased to make the following appointments in the Central India Horse:—

Lieutenant J. S. Irvine, 3rd Squadron Officer, 2nd Regiment, to officiate as Adjutant of the 1st Regiment, *vice* Lieutenant J. J. Blair, on Political employ, or until further orders.

Lieutenant A. J. Bannerman, of the 9th Regiment Bombay Native Infantry, to officiate as 3rd Squadron Officer, 2nd Regiment, *vice* Lieutenant Irvine.

GENERAL.

No. 884.

Major J. S. Ross, Deputy Commissioner in Oudh, returned to India on the 31st ultimo.

No. 885.

Mr. E. N. C. Braddon, Superintendent of Excise and Stamps in Oudh, availed himself, on the 22nd ultimo, of the privilege leave for one month granted him in G. O. No. 602, dated 7th idem.

No. 890.

Mr. T. H. Kavanagh, V. C., Officiating Deputy Commissioner of Mohamdee, availed himself, on the 11th March, of the 2 months' privilege leave granted to him in G. O. No. 693, dated 18th idem, and made over charge of his office, on the afternoon of the same date, to Captain W. T. McGregor, Assistant Commissioner, who will officiate as Deputy Commissioner, as a temporary arrangement.

No. 891.

Assistant Surgeon A. G. Cowie, Civil Surgeon of Rangoon, returned to duty from privilege leave granted to him in G. O. No. 574, dated 4th ultimo, on the forenoon of the 24th February last. The unexpired portion of his leave is accordingly cancelled.

Assistant Surgeon H. Lees, M. D., availed himself of 20 days' leave, on urgent private affairs, granted to him in G. O. No. 719, dated 19th ultimo, on the afternoon of the 30th January, and resumed charge of the duties of his office on the forenoon of the 19th February 1864.

Mr. T. Shepherd, Deputy Commissioner, 4th Clsss, Ramree District, proceeded on duty into that district, and made over charge of the Treasury to Extra Assistant Commissioner Moung Kalla, 2nd Class, on the afternoon of the 19th February 1864, and resumed charge of the Ramree Treasury on the forenoon of the 26th idem.

No. 892.

Mr. R. Temple, appointed to act as Chief Commissioner of the Central Provinces in G. O. No. 382, dated 16th February 1864, assumed charge of his office from Mr. J. S. Campbell, Judicial Commissioner, on the forenoon of the 17th ultimo.

No. 893.

Seetaram Rao, Extra Assistant Commissioner, East Berar, Hyderabad Assigned Districts, returned from sick leave on the 5th March 1864, and resumed charge of his duties on the forenoon of that date.

JUDICIAL.

No. 217.

Under Section 8 of Act XIV of 1863, His Excellency the Viceroy and Governor General in Council is pleased to invest the following Officers in the Central Provinces, employed in making or revising Settlement Land Revenue, with the powers of a Collector, as described in Act X of 1859, for the decision of suits arising within the local limits assigned to each Officer opposite his name, of the nature mentioned in Section 23 of Act X of 1859, or in Act XIV of 1863, while such Officers are so employed:—

Captain A. B. Cumberlege—the Sumbulpore District.

Major J. N. H. Maclean—the Saugor District.
Mr. C. Grant—the Nursingpore District.
" A. M. Russell—the Dumoh District.
" W. Ramsay—the Chindwarrah District.

No. 218.

Major John Ashburner, Officiating Deputy Commissioner of Chindwarrah, in the Central

Provinces, is invested with the powers described in Section 1 of Act XV of 1862.

GENERAL.

No. 907.

The 12th April 1864.

Lieutenant C. H. Grace, Assistant Commissioner of the Saugor District, in the Central Provinces, has obtained one month's leave of absence, from the 15th March, or from such date as he may avail himself of it, to visit Calcutta, preparatory to applying for leave to proceed to Europe on medical certificate.

No. 908.

Lieutenant Colonel J. C. Brooke, Political Agent at Jyepore, has obtained leave of absence for 39 days to proceed to Bombay, preparatory to applying for furlough to Europe on medical certificate.

His Excellency the Viceroy and Governor General in Council is pleased to make the following arrangements consequent on the departure of Lieutenant Colonel Brooke :—

Captain W. H. Beynon, Political Agent, Harowtee, to officiate as Political Agent at Jyepore. Captain Beynon received charge of the Political Agency of Jyepore from Lieutenant Colonel Brooke on the morning of the 14th March.

Captain H. Phillpotts to officiate as Political Agent, Harowtee, *vice* Captain Beynon. Captain Phillpotts received charge of the office on the 14th March.

No. 917.

The 13th April 1864.

Dr. C. Trimnell, Civil Assistant Surgeon of the Nursingpore District, in the Central Provinces, has obtained 60 days' privilege leave of absence from the 8th March last, making over charge of his duties on the forenoon of that date to Dr. F. Odevaine.

POLITICAL.

No. 397.

Subject to the approval of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognize Mr. John Halliday, Junior, as Consular Agent of the United States of America, *ad interim*, for the port of Akyab.

GENERAL.

No. 931.

The 14th April 1864.

His Excellency the Viceroy and Governor General in Council is pleased to appoint Mr. F. O. Mayne, C. B., to officiate as Commissioner of Fyzabad in Oudh, *vice* Mr. D. Simson, appointed to officiate as a Judge of the Agra High Court.

No. 935.

Mr. Bymanjee Jamasjee, Extra Assistant Commissioner, 2nd Class, West Berar, in the Hyderabad Assigned Districts, has obtained leave of absence for six months on private affairs, under the provisions of Section 12 of the Uncovenanted Service Absentee Rules.

Mr. Ruttonjee Jamasjee has been appointed to officiate as Extra Assistant Commissioner of the 2nd Class in West Berar during the absence on leave of Mr. Bymanjee Jamasjee.

No. 937.

Moung Htina, Extra Assistant Commissioner of the 3rd Class in British Burmah, is appointed to officiate as Extra Assistant Commissioner of the 2nd Class at Toungoo from the forenoon of the 11th November last, on which date he assumed charge of his office from Moung Shwe Gya, Extra Assistant Commissioner, 2nd Class.

No. 939.

Lieutenant A. Farrer, appointed to officiate as an Assistant Commissioner, 3rd Class, East Berar, Hyderabad Assigned Districts, in G. O. No. 517, dated 29th February last, assumed charge of his office on the forenoon of the 11th ultimo.

No. 940.

Captain C. P. Hildebrand, Deputy Commissioner of the 4th Class in British Burmah, is appointed to be a Marriage Registrar for the District of Mergui in that Province, under the provisions of Act V of 1852.

No. 942.

Mr. F. Motley, Extra Assistant Commissioner of the 1st Class in British Burmah, has obtained leave of absence to England for one year on urgent private affairs, without pay, from the date of his making over charge of his office.

No. 944.

The following Officers of the Central Provinces Commission have passed the examination prescribed for Junior Civil Officers :—

For the Higher Standard.

Capt. J. Loch, Assistant Commissioner... } With credit.
Lieut. F. Faber, „ „ }
Capt. H. F. Bolton, „ „
Lieut. T. Wakefield, „ „
Ashfaq Hossein, Extra Assistant Commissioner.

For the Lower Standard.

Lieut. W. S. Brooke, Asst. Commissioner.
Mr. T. Drysdale, „ „ } With credit.
Bulwunt Rao, Extra Asst. Commissioner }
Baboo Beressur Dutt, „ „ }
Buktawur Sing „ „
Mr. R. Sterndale, Deputy Collector.

JUDICIAL.

No. 227.

His Excellency the Viceroy and Governor General in Council is pleased to direct that Jugpal Singh, Rajah of Tiloe, having been convicted of abetment of torture by Police Officers for the purpose of extorting confession, and sentenced to pay a fine of Rs. 2,000, be deprived of his powers as Honorary Assistant Commissioner in Oudh.

H. M. DURAND,

Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 1915.

Fort William, the 13th April 1864.

Notification.—In accordance with instructions received from the Right Hon'ble the Secretary of State for India, His Excellency the Governor General in Council is pleased to direct the publication of the following revised edition of the Rules for the grant of leave of absence and retiring pensions to Uncovenanted Servants in India, which were promulgated in Financial Notifications, Nos. 2426 and 2427 of the 8th June 1863 :—

LEAVE OF ABSENCE

TO

UNCOVENANTED SERVANTS.

These Rules are applicable to all Officers of the Uncovenanted Civil Service receiving salaries of not less than Rs. 100 a month, whether they receive their appointments direct from Government or from Heads of Offices and Departments.

The following are the kinds of leave allowed :—

I. Leave on Medical Certificate.
II. Leave on Private Affairs and Furlough.
III. Privilege Leave.
IV. Preparatory or Additional Leave.

General Rules.

1. All applications for leave must be made publicly, through the regular channel, in the Department to which the applicant belongs.

2. Officers appointed by Government can obtain privilege leave from the Heads of their respective Departments, when the latter are duly authorized to exercise this power. But in other cases, leave must be granted by Government.

3. Officers appointed by Heads of Offices and Departments can obtain any leave under these Rules without reference to Government; but the Authorities granting such leave must furnish to the Civil or Military Audit Office which passes the Pay Bill of their Establishment a Monthly Return of the leave granted by them according to the Form given in Appendix A.

4. Absence without leave will involve loss of salary, and render the absentee liable to loss of appointment.

5. No leave of absence shall have retrospective effect, except in case of severe illness, to be attested by a Medical Certificate in the prescribed Form.

Applications for leave on Medical Certificate.

6. Applications for leave on Medical Certificate must be accompanied by a statement from the applicant's medical attendant, distinctly stating, from personal observation, the nature of the disease, its symptoms, causes, and duration, and by a Certificate* from the Chief Medical Officer of the Station or District, or, if at a Presidency Town, from a Presidency or other Official Surgeon, certifying, after careful personal investigation, the necessity for temporary absence, and the period for which absence is, to the best of his judgment, absolutely requisite for restoration to health. If the requisite leave be for a longer period than six months, the Certificate must be countersigned by the Superintending Surgeon of the Division in which the applicant may be employed In cases of leave beyond sea, the Certificate must be also submitted, with the statement of the case, for the countersignature of the Principal Inspector General of the Medical Department.

Extension of leave on Medical Certificate.

7. An application for extension of leave must, if the applicant be in India, be accompanied by a Certificate to a like effect from his Medical Officer attendant, together with a statement showing sufficient reason for the extension solicited, and such Certificate must be countersigned by the Principal Inspector General of the Medical Department, or by the Superintending Surgeon of the Division in which the applicant may be residing. If the applicant shall have proceeded beyond the Territories under the Government of India, he must furnish a Certificate and Statement to the required effect from a Surgeon or Physician at the place of his temporary residence by whom he has been attended; such attendance, and the period of it, to be stated, and the Certificate to be countersigned, after *personal* examination, by the examining Physician of the India Office, if the absentee is in England,—or by the Principal Medical Authority of the Colony or Country to which the absentee may have proceeded.

8. If any of the above particulars be neglected, or the omission of any one of them unsatisfactorily explained, the leave will be refused.

Application for Leave on Private Affairs.

9. Leave on Private Affairs and Furlough will be granted by Government, or by authorized Officers, on sufficient cause being shewn, and when the concession of the indulgence may in no way interfere with the interest of the Public Service.

Extension of Leave to date of arrival of vessel.

10. When an Officer on leave in England is permitted by the Home Government to return to duty by a particular vessel, this permission, if necessary, will be held equivalent to an extension of leave until the arrival in India of the vessel on which the Officer is permitted to return.

Leave on Medical Certificate.

11. Leave on Medical Certificate, with allowances, must in no case exceed three years in all, and not more than two years may be taken at one time. Subject to these restrictions, leave within Indian limits may be granted, with allowances, on Medical Certificate, as often as sufficient cause is shewn; but beyond Indian limits, such leave cannot be granted more than twice during the whole period of service. Should any further leave be applied for on Medical Certificate, it may be granted, but without any allowance. Preparatory Leave counting as service towards pension, can only be admitted in regard to two periods of leave.

* In the Form given in Appendix B.

12. Leave on Private Affairs and Furlough, with retention of Office, may be granted as follows :—

Leave on Private Affairs and Furlough.

1st.—*Leave on Private Affairs*;—For six months in one period,—which leave may be repeated after intervals of six years.

2nd.—*Or* a FURLOUGH—for one year after ten years' service, and a second Furlough, also for one year, after eighteen years' service in India,—such absence being limited to two years during the whole period of service.

13. On taking leave under the preceding Rule, for the first time, an Officer must decide whether he will apply for leave on Private Affairs, or for Furlough, and having once exercised his option and obtained leave accordingly, he will not, during the remainder of his service, be eligible to the other description of leave.

14. Furlough, and Leave on Private Affairs taken in India, will reckon from the date of leaving Office to the date of return thereto. Furlough, and Leave on Private Affairs, taken beyond India, will reckon from the sailing of the vessel on which the Officer embarks to the date of his return to India.

15. Furlough or Leave on Private Affairs cannot be taken in continuation of Privilege Leave.

16. Privilege leave, when it can be granted without injury to the Public Service, and without additional expense to the State, may be allowed for not more than one month in each calendar year, to be taken either in one period or in not more than two instalments. This leave is not allowed to accumulate, and will, therefore, lapse if not taken within the year.

Privilege Leave.

17. Privilege leave for one month in each calendar year may be allowed to Officers who have not been absent on leave for eleven months immediately preceding; unless they took their last privilege leave in two instalments, in which case the indulgence will not be available until eleven months after the expiration of the first instalment, and six months after expiration of the second instalment of the previous year's Privilege Leave.

18. Preparatory or additional leave is allowed to Officers proceeding to or from a sanatarium on Medical Certificate, or to or from the port of embarkation from India to Europe on Private Affairs, Furlough, or Medical Certificate, and is limited to such period as the authority granting leave may think sufficient. Officers proceeding from Presidency Towns on Sick Leave beyond Sea will be allowed fourteen days for preparation.

Preparatory Leave.

19. Officers retiring from the Service on pension will be allowed fourteen days' leave on half pay, provided the indulgence can be given without detriment or extra expense to the Public Service.

Absentee Pay.

20. Absentee pay, if at half salary, shall in no case exceed Rupees 6,000 or £600 per annum, —or if at one-fourth salary, shall not exceed £ 300 per annum. Within these limitations Absentee Pay will be given as follows :—

I. To an Officer absent on sick leave in or out of India, half salary for the first fifteen months of each period of absence, (or—if the leave be taken in short periods in India,—for the first thirty months taken from time to time, provided that half salary be not drawn for more than fifteen months at any one time), and one-fourth salary during the remainder of his absence on allowances.

II. To an Officer on leave on private affairs—one-half of his salary for a period not exceeding six months of continuous absence, and for any further period of Preparatory Leave which may be granted to him. But if an Officer absent on private affairs obtain an extension of leave on Medical Certificate, he will be subject for the whole period of his absence to the Rules for Sick Leave.

III. To an Officer proceeding on furlough whose salary does not exceed Rupees 200 per month—one-half of his salary, provided, however, that it shall not exceed Rupees 800 or £80 per annum. If the absentee's salary shall be—

Above Rs.	200, & not exceeding	400	p. month,	he may be granted an annual allowance of	Rs. 1,300 or £130
" "	400 " "	700	"	"	2,000 " £200
" "	700 " "	1,200	"	"	3,000 " £300
" "	1,200			"	4,000 " £400

IV. To an Officer on Preparatory Leave—one-half salary before commencement of other leave, and, on return from leave, one-half salary, one-fourth salary, or Furlough pay, according to the rate of allowance he may be then drawing.

V. To an Officer on Privilege Leave—full pay.

21. An Officer who overstays Privilege Leave by not more than one month will forfeit pay for the period in excess, but if he exceed his leave by more than one month, his office will become vacant. An Officer on privilege leave who may resign the service, or who may obtain Sick Leave without first rejoining, will, in the former case, forfeit his salary for the period of Privilege Leave, and in the latter case be subject to the Rules for sick leave for the whole period of his absence.

Rules for joining Office.

22. Time allowed for joining an appointment will be fixed by the Authority conferring the appointment.

23. An Officer entering the service of the Government is not entitled to any salary before joining his appointment, but when transferred from one appointment to another of equal or higher value, he will draw so much of the salary of his new office as may be equal to that of his former appointment.

Payments of Absentee Allowances.

24. Officers absent on privilege leave cannot draw pay until their return to duty.

25. Officers proceeding to England on Furlough, or on Private Affairs, or on Medical Certificate, must obtain Certificates from the

Civil Pay-Master, in the Form given below, for submission to the India Office on their arrival in London:—

Name, service, and designation of the party obtaining leave.	Sick leave, if any, taken on previous occasions.	Salary of substantive Office.	Nature and period of the leave.	Date of intended departure of vessel from Calcutta or other Port.	Rate of allowance to be drawn in England or not.	Date from which the first payment is to commence.
					In England. — In Calcutta.	

26. But if they desire to draw their allowances through their Agents in India, the latter must execute a guarantee to refund over-payments. When Officers remain in India and draw their allowances themselves, and attach to their Bills life Certificates attested by a Deputy Magistrate or a Covenanted District Officer, they will not be required to furnish any security.

APPENDIX A.

Name of Absentee.	Office held by Absentee.	Monthly salary of Absentee.	Section of Rules under which leave is granted, or nature of leave.	Period of Leave.	Amount of deduction from salary.	Name of Substitute (if any).	Amount payable to Substitute.	Net amount to be retrenched from Pay Abstract for the above month.	Remarks.
A. B.	Hd. Asstt.	600 0 0	Section 11 and Section 20, Rule I.	Nine months, from 1st January to 30th September 1859.	300 0 0	E. F.	300 0 0	0 0 0	
C. D.	5th Asstt.	200 0 0	Section 16 and Section 20, Rule V.	Fifteen days, from 1st to 15th March 1859.	0 0 0	None.	0 0 0	0 0 0	
G. H.	21st Asstt.	150 0 0	Section 12 and Section 20, Rule II.	Five months, from 1st January to 31st May 1859.	75 0 0	L. M.	75 0 0	0 0 0	

APPENDIX B.

The Certificate from an Official Surgeon to an applicant for sick leave shall be given in the following Form :—

I, A. B., Surgeon at (or of) do hereby certify that E. F. (here enter designation of office) is in a bad state of health; and I solemnly and sincerely declare that, according to the best of my judgment, a change of air is essentially necessary to his recovery, and that the circumstances of his case are such as to render leave of absence for the period of absolutely necessary (or highly desirable).

The following Form shall be observed by the Superintending Surgeon and the Principal Inspector-General of the Medical Department in countersigning the Certificate :—

I do hereby certify that, according to the best of my professional judgment, after careful consideration of his case, I believe the state of health of E. F. to be such as to render leave of absence for a period of absolutely necessary (or highly desirable) for his recovery.

SUPERANNUATION ALLOWANCES AND PENSIONS

TO

UNCOVENANTED SERVANTS.

1. These Rules are applicable to all Officers of the Uncovenanted Civil Service in the receipt of more than ten Rupees a month on a permanent Establishment with the following exceptions :—

I. Jemadars, Sowars, Peons, Lascars, Boatmen, Smiths, Artificers, and all those engaged in any handicraft, Laborers, and other inferior servants.

II. Officers whose whole time is not devoted to the duties of their Offices.

III. Officers not paid from the General Revenues of the State, whose eligibility to pension may not be provided for by an order issued expressly for the particular case by the Government of India, and approved by the Right Hon'ble the Secretary of State.

VI. Officers for whom other Pension Rules or separate Superannuation Funds are provided.

APPLICATIONS FOR PENSION.

2. Applications for pension must be submitted in a letter to Government by the Head of the Office or Department in which the applicant may be employed, who shall certify whether the character, conduct, and past service of the applicant are such as to entitle him to the favorable consideration of Government.

3. Every application shall be accompanied by a Register prepared according to Form A. in the Appendix. In cases of other than a Good Service Pension, every application shall be accompanied by a medical certificate, stating the applicant's incapacity for further service, with the cause thereof, and whether it has been induced by irregular or intemperate habits.

4. Applicants for a Superannuation Allowance must be examined by the Principal Inspector General of the Medical Department, if serving at the Presidency, or by a Military Invaliding Committee, if serving elsewhere within a moderate distance of a Station at which a Military Invaliding Committee is periodically assembled. It is optional, however, with the Local Government to accept the certificate of a single Medical Officer, or to convene a Special Invaliding Committee at a convenient Civil Station, if the applicant be serving at an inconvenient distance from a Station where a Military Invaliding Committee can be assembled.

5. Good Service and Superannuation Allowances on retirement, sanctioned under these Rules by the Local Governments, will be reported to the Government of India in Quarterly Returns in the Form given in Appendix B.

ALLOWANCES ON RETIREMENT.

6. On production by an applicant of such medical certificates as shall satisfy the Government under which he may be serving of his incapacity to serve longer in India, he may be allowed—

I. Under fifteen years' service, a gratuity not exceeding twelve months' salary.

* II. After fifteen years' service, one-third of his average salary, (and of his personal allowance if any,) during the previous five years, provided that in no case shall a pension be granted exceeding the sum of Rs. 3,000 per annum, whatever the amount of salary, nor of Rs. 2,000 per annum, if the salary shall not exceed Rs. 12,000 per annum.

* III. After twenty-five years' service, one-half of his average salary, (and of his personal allowance, if any,) during the previous five years, provided, however, that in no case shall a pension be granted exceeding Rs. 5,000 per annum, whatever the amount of salary, nor exceeding Rs. 4,000 per annum, if the salary shall not exceed Rs. 12,000 per annum.

7. After thirty years' service or upwards, a pension may be granted, without production of medical certificate, of the same amount and subject to the same limitation as that sanctioned for twenty-five years' service on medical certificate. This pension, as the reward of faithful, efficient discharge of duty for thirty years, is termed a Good Service Pension.

8. Pensions of the full amount authorized in paragraphs 5 and 6 are to be granted only as the reward of approved service. In any case in which an Uncovenanted Servant, without having incurred the penalty of removal from Government employ, shall, nevertheless, in the opinion of the Government under which he has been serving, not be entitled to the full amount of pension, the Local Government will make such a reduction in the amount of pension as it shall consider just.

9. The foregoing rates of pension and gratuity are applicable also, without the production of a medical certificate of unfitness for service, to Officers discharged on reduction of Establishment.

* *Clauses II and III will not affect the operation of the orders of the 19th March 1864.*

SERVICE TOWARDS PENSION.

10. Dismissal for misconduct entails forfeiture of the benefit of past service.

11. Service as a substitute does not count towards pension.

12. Periods of service before the age of 22, or of absence on other than privilege leave and Preparatory Leave, shall not count towards pension. Nor shall Preparatory Leave be allowed to count as service if it is granted in addition to leave on Medical Certificate to an Officer who has enjoyed leave of the latter description on two previous occasions.

13. The whole of the service in virtue of which pension is claimed must have been passed in an eligible grade and on a permanent Establishment; but claims barred by this Rule will be especially considered if the promotion from an ineligible grade was bestowed as a reward for meritorious service or for good conduct.

14. The period of service must be continuous, but in case of the abolition of the office held by an Officer, and his being subsequently employed by Government, his first period of service is to be taken into account.

GRATUITIES.

15. When an Officer is discharged with a gratuity under these Rules on reduction of Establishment, the gratuity will not be given to him in one sum, but in monthly instalments of a month's pay until the full amount is paid. Should he be re-employed before or after the period for which gratuity is allowed, he will have the option of refunding the gratuity and recovering his former service, or of forfeiting that service by retaining the gratuity. In the latter case, any balance of gratuity remaining undrawn at the date of his re-employment may be paid to him.

PAYMENT OF PENSIONS.

16. Payment of pension will commence from the date on which the applicant ceases to be borne on the Establishment, or from that of his application, whichever may be the later date.

17. No pension shall be payable in arrear, for a period exceeding six months, without the express sanction of Government obtained through the Civil Pay Master,—unless the cause of the suspension of payment shall have been the neglect, order, or act of some public Officer, and beyond the control of the Pensioner, when the Civil Pay Master, on a reference being made to him, shall exercise his discretion in passing arrears for payment, or submit a representation of the case for the information and orders of Government, as he shall consider proper.

18. An Officer shall, on retirement, have the option of drawing his pension either in India or from the Home Treasury. After exercising his option on retirement, he may, at a subsequent period, change the place of payment from England to India, or *vice versa*. This change can, however, be allowed but once. The payments in England will be made at the rate of exchange which is annually fixed in communication with the Lords of the Treasury for the adjustment of transactions between the British and Indian Exchequers.

APPENDIX A.

REGISTER of an Application for a Superannuation Pension from the Establishment of preferred under the Rules passed by Government, under date the

Name of the person by whom the pension is applied for, with the name of his father.	No. on the Establishment.	Identification of the applicant's person.	Size.		Age of applicant at the time of application.			Religion, Caste or Tribe.	Where residing.			Present employment.	Total period of service.		Applicant's service continuous or not.	How long unemployed, and under what circumstances.	Date of application to Government.	Average salary or authorized official allowances per mensem, for the five years preceding the date of application.		Salary or authorized official allowances per mensem at the time of application.		Abstract of the grounds of application.	Remarks by the Head of Office.	Proposed amount of pension per mensem.		Treasury at which the party, if pensioned, wishes to draw his pension.	Orders of Government.
		Indelible marks and other signs or natural defects.	Feet.	Inches.	Years.	Months.	Days.		Province.	Pergunnah.	Village.		Years.	Months.				Rupees.	Annas.	Rupees.	Annas.			Rupees.	Annas.		

N. B.—Should the Head of the Office be unable, from his personal or official knowledge, to supply the whole of the specific information which the Register should contain, he shall call upon the individual concerned to furnish a written Statement (to be verified by his oath or solemn declaration, if required) on the points on which information may be defective.

In filling up the Register, the Head of the Department will state, after inspecting the Establishment Roll, whether the service of the applicant has been continuous, and if not, for how long he was unemployed, and under what circumstances.

Appendix B.

STATEMENT of Pensions sanctioned by the Government of in the Department during the Quarter of

Number.	Name of Recipient.	Designation and place of employment.	Character.	Period counted as Service.			Average monthly salary during the last five years of service.	Amount of monthly pension granted.	Date from which the pension is to take effect.	Remarks or Explanations.
				Years.	Months.	Days.				
							Rs. As. P.	Rs. As. P.		

No. 1916.

His Excellency the Governor General in Council is pleased to direct the publication of the following Extract from a Financial Despatch from the Right Hon'ble the Secretary of State, No. 208, dated the 24th November 1863:—

Para. 16.—In your letter of the 22nd of June, you observe that, by the orders of the Court of Directors, an exception to the rule prohibiting the grant of pensions for other than continuous service, was permitted when such service was interrupted by resignation of office, in which case *one* break of not more than twelve months was allowed. It was not my intention to continue this exception, and you rightly omitted it from the Revised Rules. At the same time, I concur with you in thinking that it would be harsh towards the members of the Uncovenaned Service to give retrospective effect to the alteration; and it will therefore only apply prospectively.

No. 1961.

Mr. J. W. S. Wyllie, Under Secretary to the Government of India in the Financial Department, has obtained leave of absence to Europe for fifteen months, under Section 6 of the Civil Furlough Regulations, with effect from the 23rd instant.

Mr. A. P. Howell to officiate as Under Secretary to the Government of India in the Financial Department, until further orders.

Mr. Howell's appointment will take effect on the departure of Mr. Wyllie on leave.

No. 1962.

Mr. J. C. Ross, Controller of the Money Order Office, Calcutta, is allowed one month's privilege leave of absence from the date he may avail himself of the same.

Mr. J. H. Ronaldson, 2nd Assistant in the Auditor General's Office, to be in charge of Mr. Ross's duties during his absence.

No. 1963.

The 15th April 1864.

In continuation of Notification No. 1649, dated the 29th ultimo, the following Statement of Cash Balances, as reported up to this date in the Government Treasuries in India at the close of the month of February last, contrasted with that of the previous years, is published for general information:—

According to the present limits of the several Governments.	1862. February.	1863. February.	1864. February.
	Rs.	Rs.	Rs.
Government of India	5,78,17,603	6,10,16,838	2,12,99,097
Bengal	1,73,84,963	1,80,91,073	1,79,01,613
N. W. Provinces ..	2,96,77,218	3,26,12,414	3,01,76,775
Punjab	1,15,68,879	1,20,45,852	1,01,54,056
Bombay	3,57,44,406	3,55,19,082	2,48,35,707
Central Provinces..	58,16,842	47,59,904	37,62,558
Deccan	23,29,866	30,78,351	35,32,964
Madras	2,19,15,462	2,83,60,475	2,87,51,885
Total ..	18,22,55,239	19,54,83,989	14,04,14,655

No. 1964.

In continuation of the Notification No. 6537, dated the 31st December last, issued from this Department, the following Statement, showing the Financial position of the several Guaranteed Railway Companies, *quoad* the Government, is published for general information :—

State of the Capital Accounts of the Indian Railway Companies on the 31st October 1863.

	Amounts authorized to be raised.			Amounts paid by the Railway Companies.					Amounts withdrawn by the Railway Companies.			Balance standing to the credit of the Railway Companies.	Amounts advanced to the Railway Companies in excess of the amounts to their credit.
	Capital.	Debenture Loans.	Total.	Capital subscribed in England.	Capital subscribed in India.	Total Capital.	Debenture Loans.	Total.	In England.	In India.	Total.		
	£	£	£	£	£	£	£	£	£	£	£	£	£
East Indian—													
Main Line Capital	16,888,301	5,861,699	22,750,000	13,045,054	242,332	13,287,386	5,861,699	19,149,085	6,520,360	14,201,803	20,722,163	19,141	
Jubbulpore Capital	2,000,000	....	2,000,000	1,952,135	7,665	1,959,800	....	1,959,800	135,991	231,590	367,581		
Madras—													
Main Line Capital	5,086,800	1,913,200	7,000,000	4,013,837	.....	4,013,837	1,913,200	5,927,037	2,174,824	3,551,501	5,726,325	427,651	
Bellary Capital	1,000,000	....	1,000,000	993,535	.....	993,535	....	993,535	303,974	462,622	766,596		
Great Indian Peninsula	9,000,000	2,000,000	11,000,000	8,358,367	411,408	8,769,775	2,000,000	10,769,775	3,891,391	6,634,757	10,526,148	243,627	
Sindh—													
Sindh Railway Capital..	1,575,800	424,200	2,000,000	1,438,770	20,715	1,459,485	424,200	1,883,685	729,240	1,079,660	1,808,900	74,785	
Indus Flotilla Capital	295,100	82,900	378,000	250,005	.....	250,005	82,900	332,905	211,829	105,645	317,474	15,431	
Punjab—													
Mooltan Capital	1,500,000	500,000	2,000,000	1,463,803	8,344	1,472,147	500,000	1,972,147	873,291	816,129	1,689,420	282,727	
Delhi Capital	2,500,000	....	2,500,000	1,041,827	2,992	1,044,819	....	1,044,819	2,565	9,252	11,817	1,033,002	
Bombay, Baroda, and Central India ..	3,650,000	850,000	4,500,000	3,559,134	21,662	3,580,796	849,995	4,430,791	1,814,037	2,668,337	4,482,374	....	51,583
Eastern Bengal	1,000,000	400,000	1,400,000	990,745	9,504	1,000,249	400,000	1,400,249	692,138	769,864	1,462,002	....	61,753
Calcutta and South-Eastern	310,000	90,000	400,000	290,377	19,623	310,000	90,000	400,000	187,738	251,908	439,646	....	39,646
Great Southern of India	860,000	305,600	1,165,600	621,179	1,221	622,400	155,600	778,000	331,307	344,354	675,661	102,339	
Total ..	45,666,001	12,427,599	58,093,600	38,018,768	745,466	38,764,234	12,277,594	51,041,828	17,868,685	31,127,422	48,996,107	2,198,703	152,982

Net Balance standing to the credit of the Railway Companies .. .. .. £ 2,045,721

Errors Excepted.

E. H. LUSHINGTON,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 12th April 1864.

No. 321 *of* 1864.—The following Military letter from the Right Hon'ble the Secretary of State for India, is published for general information :—

From Her Majesty's Secretary of State for India, to His Excellency the Right Hon'ble the Governor General of India in Council,—No. 61, *dated 29th February* 1864.

SIR,—I have attentively considered in Council the Military letter from the late Governor General, dated 27th June last, No. 40A, in which, in accordance with the instructions conveyed in my Despatch dated 10th July 1862, His Lordship reports his opinion on the subject of seconding Officers of Artillery and Engineers employed in miscellaneous Staff appointments.

2. As respects the maintenance of Military efficiency, the Governor General observes, the Corps of Artillery and Engineers in India are essentially different. The Artillery is a regiment of Officers and men, and the brigades and batteries, to be efficient, require the presence of a certain number of Officers. The Engineers is a Corps of Officers only, of whom probably not more than one-tenth are required to be present with the Native Sappers and Miners of each Presidency. With regard to the former Corps, strong representations are made as to the paucity of Officers for duty with the batteries at all stations, owing to Officers on Staff or detached employ being retained on the establishment of their Corps.

3. On public grounds, therefore, the different circumstances of the Corps call for different treatment. The Artillery requires that the place of all Artillery Officers withdrawn for detached employment, the few Artillery and General Staff appointments excepted, should be filled up by effective Officers. On the other hand, the proper work of nearly the whole of the Engineer Officers is that for which their training peculiarly qualifies them, such as Public Works and the Survey and Railway Departments. To apply the principle of seconding in such case is quite uncalled for. If, however, an Engineer Officer be withdrawn from professional employment in its largest sense, the public service requires that he should be seconded, made supernumerary, or be transferred to the Staff Corps.

4. In the principles thus laid down, I desire to express my full concurrence, but I consider that they are applicable to the case of Lieutenant Colonel P. Stewart, Bengal Engineers, to which the Governor General refers in the 11th paragraph of his letter. This Officer, who is engaged on special duty in Persia, is employed for Indian purposes in the proper sphere of duty of an Engineer Officer. As such, it is neither necessary nor expedient that he should be seconded.

5. I now proceed to detail the several recommendations and inquiries of the Governor General on this important subject, and to communicate to you the conclusions at which Her Majesty's Government have arrived on the respective suggestions.

1st. As respects Officers now on Staff employ :—

The Governor General suggests,—

Para. 13.

"That such Officers of Artillery and Engineers as have joined the Staff Corps should be struck off the Rolls of their former Corps; and, where necessary, promotions be made in their room."

6. With respect to these Corps, the public service seems imperatively to call for such a measure. The necessary steps will therefore be taken for carrying it into effect.

Para. 14 of Governor General's letter.

"That, in the case of Officers holding permanent appointments, and not belonging to the Staff Corps, if the services of the Officer should be considered of public importance in the Department, he should be seconded, if not so considered, he should be required to relinquish a post for which a qualified Officer might be found among the unemployed Officers of Cavalry and Infantry, or by promotion of other Officers in the Department. In the first case, the Officer might be offered the option of being seconded or of going to the Staff Corps.

7. I agree in this view, with the following qualification of that part of the suggestion which relates to transfer to the Staff Corps. An Officer having once been offered the option of transfer to the Staff Corps and having declined to accept it, is not now eligible to join it from 18th February 1861. A Field Officer cannot join it after that date.

Para. 17 of Governor General's letter.

"That it should be decided whether Officers seconded, or made supernumerary, should be required to return to regimental duty at the end of five years, or after ten years, in accordance with the practice in England, or whether the period of their remaining seconded is to be unlimited.

8. It is considered undesirable, under ordinary circumstances, that an Officer should be permitted to remain seconded beyond a period of five years. I admit the force of the argument advanced in the 21st paragraph of the Governor General's letter, that many of the appointments held by Military Officers in India are of a nature entirely different from any of the situations held by seconded Officers at home, and require peculiar and local experience. Still, the restriction of the period to five years, except in special or extraordinary cases, in which removal might cause public inconvenience, appears necessary on many grounds. In the case of the Artillery Officer especially, prolonged absence on the Staff must be detrimental, if not fatal, to efficiency. In the case of the Officers now to be seconded, the term of five years may be allowed to reckon from the present time.

2nd.—As respects the future :—

Para. 18.

"That Captains and Subalterns of Artillery and Engineers should be dealt with in the same manner as Officers of the other branches of the service.

That is, if Officers of these Corps take *permanent* appointments in Departments entirely separate from their own peculiar employment, they should go to the Staff Corps, the purely Military Staff situations, tenable for five years, excepted.

"That, if Field Officers, who are ineligible for the Staff Corps, be taken for detached employment, they must, if it be deemed necessary to keep the full complement of this rank for regimental or Corps duty, be seconded, or made supernumerary."

9. These views are quite correct, and have my full approval. But it will be a subject for consideration with reference to my Despatch No. 26, dated 30th January 1864, what proportion of Field Officers of Artillery could at any time be spared from regimental duty without prejudice to regimental efficiency.

Para. 22.*

"That all Officers, on being permanently transferred to the Staff Corps, should cease to belong to the Artillery or Engineers; and, until all unemployed Officers of other arms are absorbed, no unnecessary burden should be thrown upon the State by the uncalled-for transfer to the Staff of Officers of Artillery and Engineers.

10. I have, in a preceding paragraph of this Despatch, expressed my approval of the suggestion that Artillery and Engineer Officers, who have joined the Staff Corps, should be struck off the rolls of their former regiment. Without seeking to close the door to Staff employment of the Artillery Officer, I must observe that financial considerations, no less than justice to the unemployed Officers of Cavalry and Infantry, require that the unnecessary employment of Artillery Officers in Staff duties, other than those appertaining to the Corps, should be carefully guarded against.

11. In the 21st paragraph of his letter, the Governor General also refers to the rules regarding the seconding of Officers of, and above, the rank of Lieutenant Colonel. Although not aware of the practice in this respect now in force in this country, His Lordship observes, that,—

"Officers of this rank, being ineligible for the Staff Corps, must, as before remarked, if employed away from regimental or Corps duty, be seconded, if the full number of Field Officers is to be maintained for Corps duty, as seems desirable."

12. Upon this I would remark, that the seconding of Officers of the rank of regimental Colonel in India does not seem to be required, unless the number of Officers of that grade is deficient compared with the duties to be performed. An Officer of this rank of the late Bengal Artillery now holds the appointment of Member of the Ordnance Select Committee at Woolwich. As such he would, under the practice in this country, be made Supernumerary, but it must rest with your Government to determine, in communication with the Commander-in-Chief, whether such a course is necessary in this case.

13. I have addressed your Government in a separate Despatch* on the general subject of seconding Field Officers of Artillery. It is not desired, however, that the instructions therein contained should interfere with the arrangements to be made consequent on the present communication. These are to be made precisely as if those instructions were not yet issued.

* Dated 30th January, No. 26. See G. G. O. No. 222, dated 15th March 1864.

14. This Despatch has been transmitted to, and has received the general concurrence of, the Secretary of State for War and the Field Marshal Commanding-in-Chief. His Royal Highness, however, considers it undesirable that Artillery or Engineer Officers, who have been for ten years engaged on other duties than those properly appertaining to their Corps, should be allowed to return to regimental duty; and he would wish that your Government should carry out this principle, as affecting Officers of the late Indian Corps, so far as the conditions of the Indian Service will permit. This desire should be carried out as far as the interests of Government will allow.

15. Your Government should at once place yourselves in communication with the Commander-in-Chief, in order that steps may be taken for carrying out the measures now sanctioned. The promotions to be made in consequence will, of course, be reported by the Commander-in-Chief in India to the Field Marshal Commanding-in-Chief for submission to Her Majesty in the usual manner.

No. 322 *of* 1864.—Lieutenant W. R. Craster, Royal Artillery, is permitted, at his own request, to resign his appointment of Doing-duty Officer in No. 2 Horse Light Field Battery, Punjab Irregular Force, and his services are accordingly placed at the disposal of His Excellency the Commander-in-Chief.

No. 323 *of* 1864.—Captain H. A. Cockburn, late 53rd Native Infantry, officiating as Pay Master and Superintendent of Native Pensioners, Lucknow Circle, is confirmed in that appointment, vice Lieutenant Colonel M. J. Slater, deceased.

The 13th April 1864.

No. 324 of 1864.—In continuation of Government General Order No. 114 of the 9th February last, His Excellency the Governor General in Council is pleased to admit the undermentioned Native Officers, Non-Commissioned Officers, and men of the 23rd (Punjab) Regiment Native Infantry (Pioneers) to the 3rd Class of the Order of Merit, in consideration of their conspicuous gallantry in the late operations on the North-Western Frontier.

To be Members of the 3rd Class of the Order of Merit.

Rank and Names.	Date of act of gallantry.	Particulars of act of gallantry.
Subadar Major Nutha Sing ...	15th & 16th Dec. 1863	Was most energetic on both the 15th and 16th December, particularly the latter date, when the Regiment was attacked by a band of fanatics. His personal forward gallantry and influence was most effective.
Havildar Jowalla Sing ...	15th December "	Notwithstanding the receipt of a severe wound, in the assault of the Conical Hill, he refused to go to the rear, pushing forward with the advance to Lalloo, exhibiting both a forward gallantry and good example.
Havildar Nehal Sing ...	15th " "	For distinguished gallantry.
Naick Wuzzeer Sing ...	16th " "	Behaved with great gallantry on the 16th December, when charged by the fanatics; severely wounded.
Private Bhugwun Sing ...	15th " "	For gallantry on the 15th December at Lalloo.
Private Dya Sing	15th & 16th Dec. "	Behaved with conspicuous gallantry on the 15th and 16th December, particularly on the latter date, when he saved Lieutenant Nott's life.
Private Bolaka Sing .. / Private Dhoola Sing ..	15th & 16th " "	These two men behaved with distinguished gallantry both on the 15th and 16th December. On the latter date, though both were wounded, they again rushed to the front and both received fresh wounds; the former will be crippled for life.

No. 325 *of* 1864.—The following promotions and alterations of rank are made, subject to Her Majesty's approval :—

PROMOTIONS.

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
Bengal Infantry ...	Major (Brevet Lieut. Colonel) John Barrett (Cadre of the late 37th Native Infantry.)	Lieut. Colonel ...	31st Oct. 1863	Lieut. Colonel M J. Slater, Bengal Infantry, deceased.
Cadre of the late 37th Regt. N. I.	Captain Benjamin Parrott (Major in the Staff Corps.)	Major ...		
	Lieut. Shadwell Saunders Boulderson (Captain in the Staff Corps.)	Captain ...		
Cadre of the late 51st Regt. N. I.	Lieut. George Hamilton (Major in the Staff Corps.)	Captain ...	29th Feb. 1864...	Captain W. R. Wallace, Cadre of the late 51st Native Infantry, retired.

ALTERATIONS OF RANK.

Corps.	Rank and Names.	To Rank from	In whose room.
General List, Infantry.	Lieut. Edward Millett Forbes ...	31st October 1863...	Captain S. S. Boulderson, Staff Corps, promoted to the Cadre of the late 37th Native Infantry.
	" George William Beresford (Ensign, 107th Foot.)	1st November " ..	Lieut. H. Campbell, Staff Corps, promoted in the Cadre of the late 63rd Native Infantry.
	" Arthur Benjamin Clare ...	13th " " ..	Captain J. B. Lind, Staff Corps, promoted in the Cadre of the late 24th Native Infantry.
	" George Campbell Napier ...	14th " " ..	Captain J. P. Davidson, Staff Corps, a Lieut. in the Cadre of the late 4th Native Infantry, killed in action.
	" William Hope Meiklejohn ...	17th " " ...	Captain (Brevet Major) L. Forbes, Staff Corps, a Lieut. in the Cadre of the late 2nd Native Infantry, transferred to the 51st Foot.
	" Alexr. James Shepherd (Ensign, 107th Foot.)	18th " " ...	Lieut. W. T. Woodcock, General List, Infantry, deceased.
	" Alexr. Jeffery Nicholson ...	19th " " ...	Captain H. L. C. Bernard, Staff Corps, promoted in the Cadre of the late 4th European Regiment.
	" Archibald Cuthbert Bigg Wither.	26th " " ...	Captain T. E. VanderGucht, Staff Corps, promoted in the Cadre of the 5th European Regiment.
	" Edmund Leopold Clarke (Ensign, 103rd Foot.)	1st December " ...	Lieut. F. Hibbert, Cadre of the late 35th Native Infantry, transferred to the 24th Foot.
	" Charles More Stockley (Ensign, 101st Foot.)	6th " " ...	Lieut. H. G. M. Bishop, Cadre of the late 66th Goorkha Regiment Light Infantry, killed in action.
	" Henry John Lawrence ..	10th " " ...	Major C. Irvine, Staff Corps, promoted in the Cadre of the late 51st Native Infantry.
	" William Loch ...	14th " " ...	Lieut. R. Norton, General List, Infantry, removed from the service.
	" Richmond Shakespear ...	15th " " ...	Lieut. (Brevet Captain) R. C. Whitting, Cadre of the late 70th Native Infantry, promoted.
	" Binfield Wemyss ...	17th " " ...	Lieut. F. J. Keen, Staff Corps, promoted in the Cadre of the late 35th Native Infantry.
	" Robert William Napier ...	30th " " ...	Lieut. H. Sconce, Staff Corps, promoted in the Cadre of the late 74th Native Infantry.
	" Allan Scott Roberts ...	1st January 1864...	Lieut. W. L. Dickens, Cadre of the late 26th Native Infantry, deceased.
	" Stephen Hotham ...	2nd " " ...	Captain Sir A. K. Lake, Bart., 104th Foot, a Lieut. in the Cadre of the late 2nd European Bengal Fusiliers, retired.
	" Howard Kingscote ...	13th " " ...	Lieut. W. D. Shaw, Cadre of the late 2nd Native Infantry, struck off the List of the Bengal Army.

No. 326 *of* 1864.—His Excellency the Governor General in Council is pleased to resolve that the 1st Bengal Police Battalion (Rattray's Sikhs) shall be added to the Bengal Army as the "45th Regiment Native Infantry (Rattray's Sikhs)."

The pay, organization, &c., of the Corps will be the same as that of the other Regiments of Native Infantry on this Establishment.

The transfer of the Corps to the Regular Army will have effect from the 1st proximo.

His Excellency the Commander-in-Chief will be good enough to issue such subsidiary instructions as may be necessary to give effect to this order.

No. 327 *of* 1864.—With reference to the Notification from the Public Works Department, No. 98, dated 5th instant, the services of Lieutenant G. R. Gibbs, of Her Majesty's 20th Foot, Assistant Engineer, 3rd Class, Peshawur Division, are placed at the disposal of His Excellency the Commander-in-Chief, with effect from the 22nd February last.

No. 328 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Surgeon C. R. Francis, M. B., attached to Her Majesty's 104th Foot, to officiate as Examiner of Accounts, connected with the Medical Department in Bengal, during the period Surgeon Major Butler may officiate as Deputy Inspector General of Hospitals, or until further orders.

No. 329 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following promotion in the Medical Department:—

Deputy Inspector General of Hospitals Edward Hare, with temporary rank, to be Deputy Inspector General of Hospitals, with effect from the 31st ultimo, vice Deputy Inspector General J. B. Dickson, retired.

No. 330 *of* 1864.—The following orders issued by the Resident at Hyderabad are confirmed:—

No. 48, *dated* 28*th March* 1864.—Confirming the Regimental Order issued by Captain J. P. Pedler, Commanding 2nd Infantry, Hyderabad Contingent, dated 12th March 1864, directing Lieutenant R. F. Doig to officiate as 2nd in Command and to continue to act as Adjutant consequent on Captain Smith's removal to the 3rd Infantry, Hyderabad Contingent.

No. 49.—Confirming the Station Order issued by Captain J. P. Pedler, Commanding at Lingsoogoor, dated 13th March 1864, directing Assistant Surgeon F. H. Smith, 2nd Infantry, Hyderabad Contingent, to assume medical charge of the Staff and details at that Station.

The 14*th April* 1864.

No. 331 *of* 1864.—The undermentioned Officers have reported their departure on the dates specified opposite to their respective names:—

Lieutenant H. Goschen, of the late 3rd European Regiment, 3rd Squadron Officer of the 2nd Punjab Cavalry, on leave for twenty months, G. G. O. No. 179 of the 3rd March 1864.	"Malta," 29th February 1864. (From Bombay.)
Surgeon Major G. E. Morton, M. D., of the Medical Department, on furlough, G. G. O. No. 99 of the 5th February 1864. Captain H. R. Osborn, of the Bengal Staff Corps, 2nd in Command, 5th Bengal Cavalry, on leave for twelve months, G. G. O. No. 145 of the 20th February 1864. Captain C. P. Hunter, of the Bengal Staff Corps, on leave for twenty months, G. G. O. No. 177 of the 2nd March 1864. Lieutenant E. Y. Walcott, of the late 57th Regiment Native Infantry, Assistant Commissioner, Assam, Cossyah and Jynteeah Hills, on leave for twenty months, G. G. O. No. 163 of the 27th February 1864. Assistant Surgeon N. B. Baillie, of the Medical Department, attached to the 5th Bengal Cavalry, on leave for twelve months, G. G. O. No 145 of the 20th February 1864.	"Erymanthe," 4th March 1864.
Lieutenant Colonel J. C. Scott, of the Bengal Staff Corps, Deputy Commissary General and Officiating Commissary General, on leave for twenty months, G. G. O. No. 185 of the 3rd March 1864. Captain J. Graham, of the Bengal Staff Corps, Sub-Assistant Commissary General and Officiating Deputy Assistant Commissary General, on leave for twenty months, G. G. O. No. 172 of the 1st March 1864. Captain M. M. Prendergast, of the late 4th European Light Cavalry, 2nd in Command, and Squadron Officer, 4th Bengal Cavalry, on leave for eighteen months, G. G. O. No. 193 of the 5th March 1864. Lieutenant J. P. Steel, of the Royal Engineers, Assistant Engineer, Darjeeling Cart Road, on leave for eighteen months, G. G. O. No. 205 of the 8th March 1864.	"Candia," 11th March 1864.
Lieutenant G. N. Channer, of the General List, Infantry, on leave for eighteen months, G. G O. No. 260 of the 24th March 1864.	"Salsette," 14th March 1864. (From Bombay.)
Captain T. C. Graham, of the late 4th European Light Cavalry, on leave for twenty months, G. G. O. No. 138 of the 18th February 1864.	"Marlborough," 15th March 1864.

Lieutenant A. H. Thomson, of the late 3rd European Regiment, on leave for twenty months, G. G. O. No. 177 of the 2nd March 1864.	"Malborough," 15th March 1864.
Major T. C. Merrick, of the Bengal Staff Corps, Superintendent, Western Jumna Canals, Department of Public Works, on leave for twenty months, G. G. O. No. 242 of the 19th March 1864. Captain J. M. Williams, of the late 1st European Madras Fusiliers, Executive Engineer, Rangoon Division, Department of Public Works, on leave for twenty months, G. G. O. No. 232 of the 17th March 1864. Surgeon W. F. Mactier, M. D., of the Medical Department, Principal Medical Storekeeper to the Government, on leave for twenty months, G. G. O. No. 239 of the 18th March 1864. Lieutenant W. Musgrave, of the Bengal Staff Corps, 2nd Squadron Officer, and Officiating 2nd in Command and Squadron Officer, 15th Bengal Cavalry, on leave for twenty months, G. G. O. No. 220 of the 12th March 1864. Lieutenant R. A. Price, of the General List, Infantry, on leave for twenty months, G. G. O. No. 242 of the 19th March 1864.	"Nemesis," 24th March 1864.
Major C. M. FitzGerald, of the Bengal Staff Corps, Deputy Commissary General, Lower Circle, on leave for twenty months, G. G. O. No. 226 of the 15th March 1864. Major J. Davidson, of the Madras Staff Corps, Officiating Deputy Commissioner, Jhansie, on leave for twenty months, G. G. O. No. 296 of the 1st April 1864. Major H. L. Pester, Second in Command and Wing Officer of the 9th Regiment Native Infantry, on leave for twenty months, G. G. O. No. 295 of the 1st April 1864. Captain N. M. Strover, of the Invalid Establishment, on furlough for three years, G. G. O. No. 192 of the 5th March 1864. Surgeon Major A. H. Cheke, of the Medical Department, Civil Surgeon, Benares, on leave for twelve months, G. G. O. No. 282 of the 29th March 1864.	"Alphée," 4th April 1864.
Veterinary Surgeon W. Johnson, attached to Her Majesty's 20th Hussars, on leave for eighteen months, G.G.O. No. 282 of the 29th March 1864.	"Alphée," 4th April 1864.
Captain R. S. Graves, of the 1st Goorkha Regiment, Sub-Assistant Commissary General, 2nd Class, on leave for twenty months, G. G. O. No. 250 of the 22nd March 1864.	"Hydaspes," 9th April 1864.
Captain W. Metcalf, of the late 35th Regiment Light Infantry, on leave to Australia for one year, G. G. O. No. 168 of the 1st March 1864. Lieutenant H. B. Stuart, of the late 18th Regiment Native Infantry, on leave for six months, G. G. O. No. 183 of the 3rd March 1864.	"Carnatic," 10th April 1864.

No. 332 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following appointments :—

HYDERABAD CONTINGENT.

4th Cavalry.

Lieutenant A. G. W. Hemans, of the Madras General List, Cavalry, to be Doing-duty Officer temporarily during the period Lieutenant Onslow may officiate as Adjutant, or until further orders.

5th Infantry.

Lieutenant R. Ottley, of the late 3rd Madras European Regiment, to be Doing-duty Officer temporarily during the period Lieutenant Shaw may officiate as Adjutant, or until further orders.

No. 333 *of* 1864.—With reference to Government General Order No. 152 of the 22nd February 1864, and under the authority of the Right Hon'ble the Secretary of State for India, it is hereby notified that the provisions of the Horse Guards' Circular No. 187, dated 3rd March 1862, relative to the supply of additional articles of clothing, are applicable to Troops serving in India, with effect from the 1st April 1862, instead of from the date previously notified.

No. 334 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following transfer :—

PUNJAB IRREGULAR FORCE.

3rd Sikh Infantry.

Lieutenant (Brevet Captain) J. P. Turton, from the Adjutancy of the Erinpoorah Irregular Force, to be Adjutant, *vice* Lieutenant W. Rawlins, whose services are hereby placed at the disposal of the Foreign Department for appointment as Adjutant of the Erinpoorah Irregular Force.

The 15th April 1864.

No. 335 *of* 1864.—With reference to Government General Order No. 298 of the 1st April 1864, it is notified that the cancelment of the provisions of Government General Order No. 384 of the 8th June 1863, extending the limit of deposits and raising the rate of interest, will have effect from the 1st May 1864, instead of the 1st April, as stated in the General Order of that date.

No. 336 *of* 1864.—In continuation of Government General Order No. 197 of the 7th March 1864, it is hereby notified that the Controllers of Military Finance at the several Presidencies will in future be designated "Controllers of Military Accounts."

No. 337 *of* 1864.—His Excellency the Governor General in Council is pleased to appoint Mr. A. J. Whitten to be Assistant to the Controller of Military Accounts.

No. 338 *of* 1864.—The Governor General in Council is pleased to make the following appointments and arrangements for the conduct of business in the Military Department during the absence of His Excellency and the Council from the Presidency:—

Lieutenant Colonel H. K. Burne, Deputy Secretary, will officiate as Secretary to Government in the Military Department at the Presidency.

Major B. E. Bacon, 1st Assistant Secretary, will officiate as Deputy Secretary to Government in the Military Department at the Presidency.

His Excellency the Commander-in-Chief in India, the Governments of Bombay, the North-Western Provinces, and the Punjab, as well as the Chief Commissioners of Oude and the Central Provinces, will communicate direct with the Secretary to the Government of India at Simla, except in transmitting ordinary returns and other documents for mere record, or matters of such routine nature as can obviously be best disposed of by the Officiating Secretary at the Presidency.

The Governments of Madras, Bengal, and of the Straits Settlements, and the Chief Commissioner of British Burmah, will address all correspondence to the Officiating Secretary at the Presidency, save in emergent cases requiring the immediate orders of the Governor General, when they should communicate by telegraph with the Secretary at Simla.

All Heads of Departments under the Government of India which are located at Calcutta, as well as the Officers in charge of the Offices of the Adjutant General and Quarter Master General at the Presidency, will address the Officiating Secretary, who will take such measures as may be necessary for the disposal of all references sent up by them.

No. 339 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Captain George Charles Lloyd, of the late 56th Regiment Native Infantry, Wing Officer of the 43rd (Assam) Regiment Light Infantry.	For 2 years, under the old Regulations.

No. 340 *of* 1864.—The following promotions are made :— *Army Commissariat Department.*

Major R. C. Wroughton, Assistant Commissary General, 1st Class, (on leave to Europe), to be Deputy Commissary General.

Major T. H. Sibley, Assistant Commissary General, 2nd Class, and Officiating Assistant Commissary General, 1st Class, to be Assistant Commissary General, 1st Class.

Captain H. B. Chalmers, Deputy Assistant Commissary General, 1st Class, and Officiating Assistant Commissary General, 2nd Class, to be Assistant Commissary General, 2nd Class.

Captain G. R. Roberts, Deputy Assistant Commissary General, 2nd Class, to be Deputy Assistant Commissary General, 1st Class, and to stand 2nd in that Class, or between Majors Davidson and Brander.

Captain J. Graham, Sub-Assistant Commissary General, 1st Class, and Officiating Deputy Assistant Commissary General, 2nd Class, to be Deputy Assistant Commissary General, 2nd Class.

Major A. Macqueen, Sub-Assistant Commissary General, 2nd Class, and Officiating Sub-Assistant Commissary General, 1st Class, to be Sub-Assistant Commissary General, 1st Class.

In succession to Lieut. Colonel J. C. Scott, Deputy Commissary General, proceeded to Europe, who vacated his appointment under the operation of paragraph 20 of Government General Order No. 1150 of 1854, and with effect from the date of his departure, viz., 11th March 1864.

No. 341 *of* 1864.—The following temporary promotions are made :—

Army Commissariat Department.

Major J. I. Willes, Assistant Commissary General, 1st Class, to officiate as Deputy Commissary General, Lower Circle.

Major G. S. Macbean, Assistant Commissary General, 2nd Class, to officiate as Assistant Commissary General, 1st Class.

Captain G. R. Roberts, Deputy Assistant Commissary General, 1st Class, to officiate as Assistant Commissary General, 2nd Class.

Captain J. S. Ogilvie, Deputy Assistant Commissary General, 2nd Class, to officiate as Deputy Assistant Commissary General, 1st Class.

Captain W. Briggs, Sub-Assistant Commissary General, 1st Class, to officiate as Deputy Assistant Commissary General, 2nd Class.

Lieutenant G. L. Keir, Sub-Assistant Commissary General, 2nd Class, to officiate as Sub-Assistant Commissary General, 1st Class.

During the absence, on sick leave to Europe, of Major C. M. FitzGerald, Deputy Commissary General, or until further orders, and with effect from the date of his departure, viz., 4th April 1864.

No. 342 *of* 1864.—It is hereby notified, for general information and guidance, that Military Accountants, Examiners, Pay Masters, or other Officers attached to the Account Branch of the Military Department are prohibited from becoming security for other Officers for the due adjustment of public claims against them.

No. 343 *of* 1864.—Major Edward Marsh Martineau, of the Bengal Staff Corps, Sub-Assistant Commissary General, is permitted to retire from the Service, on the pension of a Captain, from the 1st May next.

No. 344 *of* 1864.—Lieutenant Colonel M. J. Slater, of the late 5th European Regiment, Pension Pay Master, Lucknow Circle, (deceased), was allowed leave of absence on sick certificate to Europe for twenty months under the new Regulations from the 10th October 1863.

No. 345 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Melmoth William Gataker, of the Bengal Staff Corps, Adjutant of the 40th (the Shajehanpore) Regiment Native Infantry.	For 20 months.

No. 346 *of* 1864.—The undermentioned Officer has reported his return from England :—

	Date of Arrival at Fort William.
Captain R. F. Grindall, of the late 6th European Regiment.	14th Nov. 1863.

No. 347 *of* 1864.—Mr. J. B. Smith, Senior Sub-Assistant attached to the Hyderabad Topographical Survey, is allowed leave of absence for four months, from such date as he may avail himself of it, to visit Bombay, &c., on private affairs, under Clause 20, Article II of the new Uncovenanted Service Absentee Rules.

H. W. NORMAN, *Colonel,*
Secy. to the Govt. of India.

ERRATUM.—An error of the Press occurs in the *Gazette of India* of the 30th ultimo, page 261, 1st column, in the last para. of Military Department G. O. No. 278 of 1864, on the subject of good conduct pay to Sowars, for 6, 10, and 16 years' service, which should read 6, 10, and 15 *(fifteen)* years' service. All orders and Gazettes to be corrected accordingly.

PUBLIC WORKS DEPARTMENT.

No. 101½.

REVENUE,—FORESTS.

Fort William, the 1st April 1864.

Appointments.—Mr. Dietrich Brandis, Conservator of Forests, British Burmah, is appointed Inspector General of Forests to Government of India, with effect from the 1st April 1864.

No. 102.

The 13th April 1864.

Lieutenant W. J. Noverre, late Her Majesty's 1st European Bengal Fusiliers, is appointed an Additional Assistant Conservator of Forests in the Central Provinces, on probation, with effect from date of joining.

No. 103.

ESTABLISHMENT.

The 8th April 1864.

Mr. J. W. A. Henry, Probationary Assistant Overseer, Embankment Division, British Burmah, is appointed permanently to the Public Works Department in the grade of Assistant Overseer, with effect from 15th September 1863.

No. 104.

The 8th April 1864.

Transfers.—Lieutenant E. Swetenham, Staff Corps, Executive Engineer, 4th Class, is transferred from the North-Western Provinces to Bengal, and Lieutenant E. T. Thackeray, R. E., Executive Engineer, 4th Class, is transferred from Bengal to the North-Western Provinces.

No. 105.

Notifications.—Captain A. H. B. Bruce, Executive Engineer, 4th Class, Tounghoo Division, assumed temporary charge of the Rangoon Division from Lieutenant H. McV. Crichton on the afternoon of the 21st March 1864.

No. 106.

Mr. R. D. Hamilton, Assistant Accountant, 2nd Class, Mysore, to have the temporary rank of Accountant, 3rd Class.

No. 107.

The 11th April 1864.

Captain J. F. A. McNair, Executive Engineer, Singapoor, resumed charge of his office from Mr. J. Bennett, Special Assistant Engineer, on the 15th March 1864.

No. 108.

The 12th April 1864.

Mr. J. H. Harding, Deputy Controller and Examiner, made over charge of the Central Office of Accounts of the Upper Godavery Works to Mr. A. G. Crommelin, Controller and Examiner of Public Works Accounts, Central Provices, at Nagpoor, on the afternoon of the 24th March 1864.

No. 109.

Mr. D. A. Gantzer, Accountant, 1st Class, assumed temporary charge of the Central Office of Account, British Burmah, from Major F. N. Smith, on the 6th February 1864.

No. 110.

The posting of Lieutenant R. F. Angelo, Assistant Engineer, 2nd Class, Central Provinces, to the Upper Godavery Works in Public Works Department Notification No. 135, dated 7th December 1863, is cancelled, and Mr. W. Scott, Probationary Assistant Engineer, is posted to the Upper Godavery in his place.

No. 111.

The 14th April 1864.

Lieutenant R. C. B. Pemberton, R. E., Executive Engineer, 2nd Class, Lucknow Division, is, as a temporary arrangement, attached to the Public Works Secretariat of the Government of India for special duty.

No. 112.

Notification No. 71, dated 8th March 1864, transferring Probationary Assistant Overseer Private H. Baird, Bengal Sappers and Miners, from the North-Western Provinces to British Burmah, is cancelled.

R. STRACHEY, *Colonel*, R. E.
Secretary to the Government of India.

ADVERTISEMENTS.

DELHI RAILWAY.

TO CONTRACTORS.

Tenders will be received by the undersigned up to the 30th April next for the construction of the Railway embankment, the brickwork in Bridges and Culverts, and the supply of Ballast, the latter to be of broken bricks, stone, or good clean kunkur, for a length of 58 miles of the line, commencing at the 90th mile from Umballa and terminating at the junction with the East Indian Railway at Ghazeeabad near the River Hindun.

The Company does not bind itself to accept the lowest or any tender, and the usual security for the proper fulfilment of the contract will be required.

Specifications and other information may be obtained on application to the Company's Chief Engineer in Lahore.

AGENT'S OFFICE, *Lahore, 17th March* 1864. } RICHD. W. STEVENS, *Agent.*

NOTICE.

Will be published in the early part of April, under the authority of Government, "a Companion to the Civil Pay Master's Manual," containing a collection of revised Rules applicable to Military Officers in Civil employ, and the new Rules for Leave, Pension, &c., to Uncovenanted Officers, with Appendices.

Price, Rs. 3 a copy, with 2 annas additional for postage to out-station subscribers.

Applications to be addressed to the compiler, Mr. G. W. Bagley, Chief Assistant to the Civil Pay Master, North-Western Provinces, at Allahabad.

LOST.

Lost in transit from Dewangunge to Jessore, the left half of Government Currency Note No. $\frac{A}{11}$15965, for Rs. 50, payment of which has been stopped at the Bank of Bengal.

HURRO CHUNDER BOSE.

POSTAL NOTICE.

The Public are hereby informed that, under an arrangement made by Her Majesty's Post Master General, letters posted in India for Nicaragua will, if marked viâ Southampton, be liable to the following rates of postage:—

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A. M. MONTEATH,
In charge of the Office of Dir. Genl. of the Post Office of India.

CALCUTTA, *7th April* 1864.

NOTICE.

With reference to the Notice issued by the Department, dated the 4th September 1863, relative to the sale of Engraved and Lithographed Maps of the Survey of India, to the Public, it is hereby notified for general information, that all applications for the purchase of Maps on account of private use should in future be made to

MESSRS. THACKER, SPINK, & CO.,
St. Andrew's Library,
Calcutta,

as all money transactions with this Office will be discontinued from the 1st May next.

Official applications for Maps "bonâ fide" on the public service, will, as usual, be attended to on application direct to this Office, and for which payment is not required.

H. L. THUILLIER, *Lieut. Colonel,*
Surveyor General of India.

SURVEYOR GENERAL'S OFFICE, CALCUTTA, *The 9th April* 1864.

NOTICE.

Mr. John Christian is authorized to sign our Firm per procuration.

MONGHYR, *6th April* 1864. } H. DEAR & CO.

WANTED.

Wanted, for the West Berar Suddur Treasury, a Treasurer. Pay Rupees (100) one hundred per mensem. Cash or Government Paper Security to the extent of Rupees (25,000) twenty-five thousand will be required, and a knowledge of Mahratta is indispensable.

Applications, with certificates of character, to be made to the Deputy Commissioner, West Berar, Akolah.

J. T. BUSHBY,
Assistant Commissioner,
in Charge, West Berar.

DEPUTY COMMISSIONER'S OFFICE,
Akolah, 21st March 1864.

BANK OF BENGAL.

Notification.—It is hereby notified that as the present Capital of the Bank is insufficient to meet its requirements, in consequence of the increase of business, principally arising from the establishment of Branches subordinate to the Bank in various parts of the Bengal Presidency, the Directors have determined, under the authority vested in them by Section 6, Act IV of 1862, to increase the Capital from one crore, nine lakhs, ninety thousand, nine hundred and nine Rupees, to two crores and twenty lakhs, by the issue of new Shares or consolidated Stock, under the following conditions :—

1st.—Holders of old Shares will be entitled to claim new Shares at par, in the proportion of one Share for every Share of which they may be registered as Proprietors in the Books of the Bank. Registered Proprietors of consolidated Stock will, in like manner, be entitled to an equivalent amount of new Stock at par.

2nd.—Holders of Shares or Stock, whether in India or elsewhere, shall be allowed, to the 15th day of August 1864, to claim the new issue. All Shares or Stock not claimed by the said date shall be at the disposal of the Directors, who shall cause the same to be sold for the benefit of the Bank, in such manner and at such times as they may deem expedient.

3rd.—Payments in one sum of the amount of Subscription on any whole, half, or quarter Share or Stock, to which any Proprietor may be entitled under this Notification, may be made at any time after the publication thereof. On all such payments prior to the 30th June next, interest will be allowed, at the rate of 8 per cent. per annum, from date of payment to the 30th June ; and the Shares or Stock so paid up shall, thenceforward, be entitled to dividend. On all payments made subsequent to the 30th June, interest will similarly be allowed (at the rate of 8 per cent.) until the 31st December following, from which date the Shares or Stock so paid up shall, in like manner, become entitled to dividend.

4th.—The Transfer Books will be closed from the 16th to the 31st of August 1864, inclusive. All Shares or Stock previously subscribed for, but on which the full amount of Capital shall not be paid by the last mentioned date, will lapse to the Bank and will be at the disposal of the Directors, as provided in Clause 2.

By Order of the Directors,
C. N. COOKE,
Offg. Secretary and Treasurer.

12*th March* 1864.

MEMOIRS

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THE FINANCIAL STATEMENT.

Delivered by the Hon'ble Sir Charles Trevelyan, K. C. B., on the 7th instant, for sale at the Military Orphan Press. Price 8 annas per copy.

9th April 1864.

LOST.

Half of Government Currency Notes No. 26331 for twenty Rupees, and No. 38327 for ten Rupees.

NOTICE.

Seven (7) packages have been lying in my possession for a considerable period, to the undermentioned address:—

CAPTAIN J. S. D. WHITE,
Commanding Musbee Sappers,
with Saraon Field Division,
Camp Balia Ghat.

If not claimed within one month from date hereof, the contents will be sold to defray expenses.

E. J. EVILLE,
Manager, N. W. Dák Co.,
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BENARES, *10th Feb.* 1864.

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With reference to Notification of the Government of India in the Home Department, dated the 13th ultimo, *The Gazette of India* will be published every Wednesday, commencing with the 6th of January 1864. Price, with Supplement, 15 Rs. per annum, payable in advance, and 3 Rs. 4 As. additional when sent by Post.

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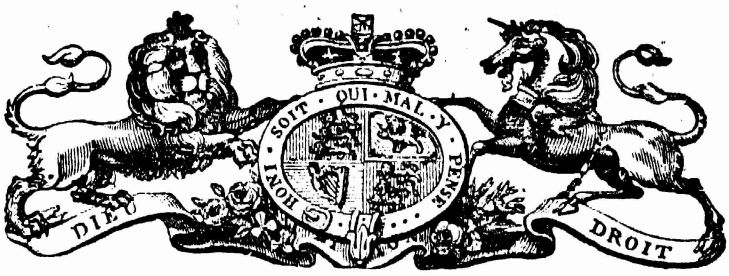
In the Press, and will soon be published—

VOLUME IV.—Containing Treaties, &c., relating to the States in Rajpootana, Central India, and Malwa.

Price, Five Rupees per volume.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 16.



The Gazette of India.

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SATURDAY, APRIL 23, 1864.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

ACT No. XV OF 1864.

An Act to amend Act VIII of 1851 *(for enabling Government to levy Tolls on Public Roads and Bridges).*

Preamble.

Whereas by Act VIII of 1851 *(for enabling Government to levy Tolls on Public Roads and Bridges)* authority was given for the levy of certain rates of Toll, not exceeding the rates mentioned in the Schedule annexed to that Act; and whereas it is expedient to make certain alterations in respect to the rates in the said Schedule mentioned; It is enacted as follows :—

Schedule of Act VIII of 1851 repealed, and another Schedule substituted.

I. In any place to which this Act shall be extended by the local Government, the Schedule to the said Act VIII of 1851 shall be of no effect except as to any proceedings pending at the time at which this Act shall be so extended, and except as to any rate of Toll levied theretofore: and all the provisions of the said Act, applicable or referring to the rates of Toll mentioned in the said Schedule, shall be applicable and refer to the rates of Toll mentioned in the Schedule to this Act annexed, which shall be read with and taken as part of the said Act VIII of 1851.

Collectors of Tolls may compound for Tolls leviable under Act VIII of 1851 or this Act.

II. Any person entrusted with the management of the collection of Tolls under Act VIII of 1851, may in his discretion compound for any period not exceeding one year with any person for a certain sum to be paid by such person for himself or for any vehicle or animal kept by him, in lieu of the rates of Tolls specified in the Schedule to the said Act VIII of 1851 or in the Schedule to this Act.

This Act where to have operation.

III. The local Government may extend this Act to any place in which the said Act VIII of 1851 is in force: and the local Government of any place in which the said Act VIII of 1851 is not in force may extend the said Act VIII of 1851 and this Act to such place.

"Local Government."

IV. For the purposes of this Act, the words "Local Government" shall denote the person authorized by law to administer Executive Government in any part of the territories vested in Her Majesty by the Statute 21 and 22 Vic, cap. 106, entitled "An Act for the better Government of India."

SCHEDULE.

	Rs.	A.	P.
On every four-wheeled Carriage -	2	0	0
On every two-wheeled Carriage -	1	0	0
On every Ekka - - -	0	4	0
On every hackery on springs -	0	2	0
On every cart and hackery not on springs drawn by eight bullocks, buffaloes, horses, ponies, asses, or mules, if laden - - -	1	8	0
Ditto, if not laden - -	0	8	0
On every cart and hackery drawn by six bullocks, buffaloes, horses, ponies, asses, or mules, if laden - -	0	12	0
Ditto, if not laden - -	0	6	0
On every cart or hackery drawn by four bullocks, buffaloes, horses, ponies, asses, or mules, if laden - -	0	8	0
Ditto, if not laden - -	0	4	0
On every cart and hackery drawn by two bullocks, buffaloes, horses, ponies, asses, or mules, if laden - -	0	4	0
Ditto, if not laden - -	0	2	0
Buffaloes or bullocks, per head, if laden	0	1	0
Ditto, if not laden - -	0	0	6
On every elephant - -	1	8	0
On every camel, if laden - -	0	8	0
Ditto, if not laden - -	0	4	0
On every horse, if laden or ridden -	0	1	6
Ditto, unladen or led - -	0	0	9
On every tattoo or mule, if laden or ridden - - -	0	0	9
Ditto, unladen or led - -	0	0	6
On every ass, if laden or ridden -	0	0	6

	Rs.	A.	P.
Ditto, unladen or led - -	0	0	3
On every sheep, or goat, or pig -	0	0	1
On every palankeen, doolie, palna, or tonjon, with eight bearers -	1	0	0
Ditto, with six bearers - -	0	12	0
Ditto, four bearers - -	0	8	0
Ditto, two bearers - -	0	4	0
On every foot passenger - -	0	0	3

N. B.—Animals drawing any vehicle for which Toll can be demanded are not to be also charged with Toll.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India, Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

ACT No. XVI OF 1864.

An Act to provide for the Registration of Assurances.

Preamble.

Whereas it is expedient to consolidate and amend the laws relating to the Registration of Assurances; It is enacted as follows :—

REPEAL OF REGULATIONS AND ACTS.

Laws repealed.

I. The Regulations and Acts and parts of Regulations and Acts set forth in the Schedule annexed to this Act are hereby repealed to the extent mentioned in the said Schedule, except in so far as such Regulations or Acts rescind other Regulations or Acts, and except as regards Instruments duly registered under them or any of them before the date on which this Act shall come into operation.

Repeal of laws in Non-Regulation Territories.

II. From the date on which this Act shall be extended as hereinafter provided to any part of British India in which the Regulations and Acts mentioned in the Schedule annexed to this Act are not in force, all Rules and Regulations relating to the Registration of Assurances in force in such part of British India shall cease to have effect, except as regards Instruments duly registered under any of the said Rules or Regulations in such part of British India.

DEFINITIONS.

Interpretation.

III. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction—that is to say :—

"British India."

The words "British India" denote the Territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic, cap. 106, entitled "An Act for the better government of India," except the Settlement of Prince of Wales' Island, Singapore, and Malacca:

"Local Government."

The words "Local Government" denote the person or persons authorized by law to administer the executive Government in any part of British India:

"Year" and "month."

The words "year" and "month" denote a year or month respectively by the British Calendar:

"Section."

The word "Section" denotes a Section of this Act:

Number.

Words importing the singular number include the plural number; words importing the plural number include the singular number:

Gender.

Words importing the masculine gender include females.

Governor-General of India may vest in the Head Executive Officer of any Territory under his immediate administration, the powers conferred by this Act.

IV. It shall be lawful for the Governor-General of India in Council, by an order to be published in the Gazette of India, to declare that in any Territory under the immediate administration of the Government of India the Head Executive Officer of such Territory shall exercise the powers vested by this Act in the local Governments, and thereupon such Officer shall, for the purposes of this Act, be the local Government of such Territory as defined in this Act.

REGISTRATION ESTABLISHMENT.

General Register Office.

V. Every local Government shall establish within the Territories subject to such Government, at such place as to it shall seem fit, an Office to be called the General Register Office, and shall appoint an Officer to the charge of such Office, who shall be the Registrar General of the Territories for which he is appointed. Nothing in this Act contained shall make it unlawful for any Registrar General to hold simultaneously any other Office to which he may be appointed by the local Government.

Formation of Districts and Sub-Districts.

VI. For the purposes of this Act, the local Government shall form Districts and shall divide such Districts into Sub-Districts, and shall prescribe and from time to time may alter the limits of the Districts and Sub-Districts so formed.

The local Government shall also for the purposes of this Act prescribe the limits of the Presidency Towns of Calcutta, Madras, and Bombay respectively: and every such Town shall for the purposes of this Act be deemed a District.

The local Government may, if it shall think fit so to do, divide the said Presidency Towns respectively into Sub-Districts, and may from time to time alter the limits of the said Presidency Towns and of the said Sub-Districts thereof.

The Districts and Sub-Districts formed under this Section, together with the limits thereof, and every alteration of such limits, shall be forthwith notified by the local Government in the Official Gazette.

Establishment of Register Offices.

VII. The local Government shall establish in every District an Office to be styled the District Register Office, and in every Sub-District an Office to be styled the Deputy Register Office.

Appointment of District and Deputy Registrars.

VIII. The local Government may appoint such persons, whether Public Officers or not as it may think proper, to be District Registrars of the several

Districts, and to be Deputy Registrars of the several Sub-Districts formed as aforesaid respectively: Provided that, except in the said Presidency Towns of Calcutta, Madras, and Bombay, no person shall at the same time hold both the Office of District Registrar and the Office of Deputy Registrar.

Position of the District Registrar of a Presidency Town.

IX. In each of the Presidency Towns aforesaid not for the time being divided into Sub-Districts, the District Registrar shall perform all the duties of a Deputy Registrar of a Sub-District under this Act in the same manner and subject to the same rules as if such Presidency Town were a Sub-District; provided that there shall be no appeal under Section LXII from his order.

Provision for cases of absence or vacancies.

X. In case of the absence of any Deputy Registrar, or of a vacancy occurring in the Office of any Deputy Registrar, it shall be lawful for the District Registrar to whom such Deputy Registrar is subordinate to appoint any person whom he may think proper to take temporary charge of the Office of such Deputy Registrar, and to register Instruments in the same manner as if such person had been appointed to the Office by the local Government. In case of the absence of any District Registrar, or of a vacancy occurring in the Office of any District Registrar, the Judge of the principal Court of original civil jurisdiction of the District shall, during such absence or vacancy, be the District Registrar. In case of the absence of the District Registrar of a Presidency Town, or of a vacancy occurring in the Office of any such Registrar, it shall be lawful for the Registrar General of the Presidency or place to appoint any person whom he may think proper to take temporary charge of the Office of such Registrar.

Salaries and establishments.

XI. It shall be lawful for the local Government, with the sanction of the Governor-General of India in Council, to assign such salaries as such local Government may from time to time deem proper to the Registrar General, the District Registrars, and the Deputy Registrars appointed under this Act, or to provide for the remuneration of such Officers by fees, or partly by fees and partly by salaries. It shall also be lawful for the local Government, with the like sanction, to allow such establishments for the General Register Office and for the Offices of the several District Registrars and Deputy Registrars as may be necessary for the purposes of this Act.

Seal of Office.

XII. The Registrar General and the several District Registrars and Deputy Registrars shall use a seal bearing the following inscription in English and in such other language as the local Government shall direct: "The Seal of the Registrar General *(or of the District Registrar, or Deputy Registrar)* of ".

INSTRUMENTS TO BE REGISTERED.

Certain Instruments not to be received in evidence unless registered according to provisions of this Act.

XIII. No Instrument being a deed of gift of immoveable property, no lease of immoveable property for any period exceeding one year, no Instrument (other than a deed of gift or lease as aforesaid), which purports or operates to create, declare, transfer, or extinguish any right, title, or interest of the value of one hundred Rupees or upwards in any immoveable property, and no Instrument which acknowledges the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest as above of such value as aforesaid, in any immoveable property, shall be received in evidence in any Civil proceeding in any Court, or shall be acted on by any Public Officer, if such Instrument shall have been executed on or after the date on which this Act shall come into operation, and if the property to which such Instrument relates shall be situate in any part of British India in which this Act is in force, unless the same shall have been registered in the manner and within the time prescribed by this Act. Provided that the provisions of this Section shall not apply to any lease executed between landlord and tenant relative to land in the Presidency of Madras liable to the payment of revenue to Government, but any such lease may be registered under Section XVI, subject to the provisions of Sections XVII and XIX.

Value of right, title, or interest affected by Instruments required to be registered, to be determined by Stamp affixed thereto.

XIV. For the purposes of this Act, the value of the right, title, or interest in any immoveable property created, declared, transferred, or extinguished by any Instrument shall be taken to be the value indicated by the Stamp affixed thereto or impressed thereon under Act X of 1862 *(to consolidate and amend the law relating to Stamp Duties)*, or under any other Act for the time being in force for regulating the Stamp Duties.

On refusal to register, regular suit may be brought to enforce registration.

XV. If a District Registrar or Deputy Registrar shall refuse to register an Instrument falling within the provisions of Section XIII, it shall be lawful for any person interested to institute a regular suit in order to establish his right to have such Instrument registered, and the Instrument shall be admissible in evidence for the purposes of such suit. The District Registrar or Deputy Registrar who refused to register such Instrument shall not be made a party to any such suit, but the Court may if it shall think proper order such District Registrar or Deputy Registrar to register the Instrument, and he shall be bound to comply with the order. The petition of plaint in any suit instituted under this Section shall be written on paper bearing a stamp of the value of eight annas.

Instruments the registration of which is optional.

XVI. On and after the date on which this Act shall come into operation, any of the following Instruments executed on or after the said date may be registered under this Act:—

1. Any Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest of value less than one hundred Rupees, in any immoveable property.

2. Any Instrument which acknowledges the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest, of such value as aforesaid, in any such immoveable property.

3. Any lease for a period not exceeding one year.

4. Any Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest in any moveable property.

5. Any Will, Codicil, or Authority to adopt a son.

6. Any decree or order of Court or private award of arbitration.

7. Any Deed, Bond, Contract, or other Obligation.

TIME OF REGISTRATION.

When certain Instruments must be presented for registration.

XVII. No Instrument of the descriptions mentioned in Sections XIII and XVI (other than a Will, Codicil to a Will, or Authority to adopt a son), which shall have been executed before the date on which this Act shall come into operation, shall be accepted for registration unless such Instrument be presented for registration within twelve months from such date.

Provision as to certain other Instruments.

XVIII. No Instrument of the descriptions mentioned in Section XIII, which shall have been executed after the date on which this Act shall come into operation, shall be accepted for registration unless presented for that purpose to the proper Officer within four months from the date of the execution thereof.

Provision as to certain Instruments executed after the Act comes into operation.

XIX. No Instrument of any of the descriptions mentioned in Section XVI (other than a Will, Codicil to a Will, or Authority to adopt a son) which shall be executed after the date on which this Act shall come into operation, shall be accepted for registration unless presented within two months from the date of the execution thereof.

Time for Registration of Wills, &c.

XX. Any Will, Codicil to a Will, or Authority to adopt a son may at any time be registered in the manner hereinafter provided by the person making such Will or Codicil, or giving such Authority.

PLACE OF REGISTRATION.

Where certain Instruments to be registered.

XXI. Save as in this Act otherwise provided, every Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest in any immoveable property, and any Instrument acknowledging the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest in any immoveable property, or any lease, shall be presented for registration in the Office of the Deputy Registrar within whose Sub-District the property is situate.

Provision as to other Instruments.

XXII. Every Instrument other than an Instrument of the nature specified in the last preceding Section, shall be presented for registration in the Office of the Deputy Registrar within whose jurisdiction such Instrument is executed, or at any Registry Office under the same local Government at which all the parties executing such Instrument shall desire the same to be registered.

Registration of Instrument affecting property situate in more than one Sub-District.

XXIII. Every Instrument affecting immoveable property the whole of which, although situate in one District, is not situate in one Sub-District, may be presented for registration to any Deputy Registrar within whose Sub-District any part of such property is situate. It shall be the duty of such Deputy Registrar, after registering the Instrument, forthwith to cause to be made and to forward a copy thereof endorsed in the manner provided in Section XXV to the District Registrar to whom he is subordinate, who shall register the same, and forward a copy of such Instrument and of the endorsement aforesaid, to every Deputy Registrar in his District in whose Sub-District any part of such property is situate, other than the Deputy Registrar in whose Office the Instrument shall have been originally registered, and every Deputy Registrar who shall receive such copy shall forthwith register the same.

Instruments in language not understood by Deputy Registrar.

XXIV. If any Instrument tendered for registration be in a language which the Deputy Registrar does not understand, the Deputy Registrar shall refuse to register the Instrument, and shall refer the parties to the District Registrar, who shall deal with the Instrument in the same manner as he is required by this Act to deal with Instruments presented to him in the first instance for registration.

Registration of Instruments affecting property situate in several Districts.

XXV. Every Instrument affecting immoveable property situate in more Districts than one, may be presented for registration to the District Registrar of any such District in which any part of such property is situate. It shall be the duty of such District Registrar after registering the Instrument to cause to be made and to forward to the District Registrar of every District in which any other part of such property is situate, a copy of such Instrument endorsed with an attestation stating the date on which it was registered and its number in his Register Book. The District Registrar receiving such copy so forwarded and endorsed shall register the same as if it had been presented to him in the first instance, and shall forward a copy of such Instrument and of such endorsement as aforesaid to the Deputy Registrar of each Sub-District within the local limits of his jurisdiction in which any part of such property is situate, and every Deputy Registrar who shall receive such last mentioned copy shall forthwith register the same.

Registration by Registrar General.

XXVI. It shall be lawful for the Registrar General in his discretion to receive and register any Instrument of the nature specified in Section XXI which may be presented at his Office for registration, without reference to the situation of the property to which the Instrument relates. In registering any Instrument under this Section, the Registrar General shall follow the mode of registration hereinafter prescribed for the registration of Instruments presented in the first instance to a District Registrar or a Deputy Registrar.

Procedure in case of registration by Registrar General.

XXVII. It shall be the duty of the Registrar General on any such Instrument being registered in his Office under the last preceding Section, to cause to be made and forwarded to every District Registrar within the local limits of whose jurisdiction any part of the property to which the Instrument relates is situated, a copy of such Instrument endorsed with an attestation stating the date on

which it was registered and the number in his Register Book: and the District Registrar receiving such copy shall register the same as if it had been presented to him in the first instance, and shall forward a copy thereof and of the endorsement aforesaid to the Deputy Registrar of each Sub-District within his jurisdiction in which any part of such property is situate, and every Deputy Registrar who shall receive such copy shall register the same.

Instruments for registration by whom to be presented.

XXVIII. Every Instrument to be registered under this Act, not being a Will, Codicil to a Will, or an Authority to adopt a son, shall be presented at the Office in which such Instrument is to be registered by all the parties executing the same, or by the heirs, representatives, or assigns of such parties or by the authorized agents of such parties, or of their heirs, representatives, or assigns under a power of attorney special or general. But no such power of attorney shall be recognized for the purposes of this Act unless it shall have been executed in the presence of and duly attested by the District Registrar or Deputy Registrar within the local limits of whose jurisdiction the person executing the same resides if he reside in any part of British India subject to the operation of this Act, or if he reside in a part of British India not subject to the operation of this Act unless it shall have been executed in the presence of and been duly attested by the Officer presiding over the principal Court of original civil jurisdiction within the local limits of whose jurisdiction the person executing the same resides. If the person executing such power of attorney do not reside within any part of British India, it shall not be recognized for the purposes of this Act unless it shall have been executed in the presence of and duly attested by an Officer of the British Government, or by a Notary Public where there is such a functionary. The provisions contained in this Section relating to the execution of powers of attorney in the presence of the District Registrar or Deputy Registrar, shall not apply in the case of a native woman of a rank or description, which according to the customs of the country would render it improper to require her personally to attend at the Office of the District Registrar or Deputy Registrar. In the case of any woman of the rank or description abovementioned, the District Registrar or Deputy Registrar, if satisfied that the power of attorney is the free and voluntary act of the woman by whom it purports to have been made, may attest the same without requiring her personal attendance at his Office. For the purpose of satisfying himself on this point, the District Registrar or Deputy Registrar may proceed or depute some trustworthy person to the residence of the woman to take her examination in the mode prescribed for taking the evidence of native females of rank.

MODE OF REGISTRATION.

Enquiry concerning identity of parties appearing before the Deputy Registrar who are not personally known to him.

XXIX. On the parties to any Instrument, their heirs, administrators, or assigns, or the agents of such parties authorized as hereinbefore provided appearing before the District Registrar or Deputy Registrar for the purpose of obtaining the registration of such Instrument, he shall proceed to enquire whether such Instrument was executed or not by all the parties thereto by whom it purports to have been executed, and to satisfy himself of the right of any person to appear as the heir, administrator, or assign of any party whom he shall claim to represent, or if any party shall appear by agent, of the authority of such agent. If all the parties executing the Instrument appear personally before the District Registrar or Deputy Registrar and are personally known to him, or in case they are not personally known to him if they satisfy him that they are the parties they represent themselves to be, and if they all admit the execution of the Instrument, or in the case of any party appearing by authorized agent if such agent shall admit the execution of the Instrument, the District Registrar or Deputy Registrar shall register the same.

Names and addresses of persons examined to be entered.

XXX. The District Registrar or Deputy Registrar shall enter in the Register Book the name and address in full of every person whom he may examine as to any of the matters in the last preceding Section mentioned.

Power of Deputy Registrars to summon parties whose evidence is required.

XXXI. If any party to an Instrument shall require assistance to procure the attendance of a person whose testimony is necessary for the registration of such Instrument by a Deputy Registrar, such Deputy Registrar may in his discretion and if such person shall be within the local limits of the jurisdiction of such Deputy Registrar, issue a summons requiring such person to attend at the Office of such Deputy Registrar at a time named in such summons.

When person whose evidence is required is not within the jurisdiction of the Deputy Registrar.

XXXII. If the person whose attendance is required is not within the local limits of the jurisdiction of the Deputy Registrar, the party to the Instrument who requires his attendance shall apply through the Deputy Registrar to the District Registrar in whose District such person is, and the District Registrar may in his discretion issue a like summons for the attendance of such person at the Office of such Deputy Registrar.

Provisions of last two Sections to apply to cases of registration by District Registrar or Registrar General.

XXXIII. The provisions of the last two preceding Sections shall apply *mutatis mutandis* to all cases in which a party executing an Instrument shall require assistance to procure the attendance of a person whose testimony is necessary for the registration of such Instrument by a District Registrar or by a Registrar General.

Provisions of Acts in force relating to attendance of witnesses to apply to persons summoned under this Act.

XXXIV. The provisions of the Acts in force for the time being for procuring the attendance of witnesses, for the examination, remuneration, and punishment of witnesses in suits before Civil Courts, shall be of equal force and effect in respect of any person summoned to appear as a witness under the foregoing provisions of this Act.

Erasures or interlineations.

XXXV. No Instrument shall be accepted for registration if any interlineation, erasure, or alteration shall appear on such Instrument, unless the parties appearing to register the

same shall attest with their signatures such interlineation, erasure, or alteration; and it shall be the duty of the Officer registering such Instrument, at the time of registering it, to make a note in the Register of such interlineation, erasure, or alteration.

Endorsement on Instrument admitted to registration.

XXXVI. On every Instrument admitted to registration there shall be endorsed the following particulars,—that is to say—

1. The date and hour of presentment.

2. The names in full of the parties executing the Instrument: and if it shall have been presented by the heir, representative, or assign, or by the agent of any party, the name of such heir, representative, assign, or agent.

3. The name and address in full of every person whose evidence may have been taken under any of the provisions of this Act.

4. Any payment of money or delivery of goods made in the presence of the District Registrar or Deputy Registrar.

Endorsement to be signed by parties executing, and to be sealed with seal of Registrar.

XXXVII. The endorsement shall be signed by every party executing the Instrument, or by his heir, representative, or assign, or by his agent, and shall be certified by the seal and signature of the District Registrar or Deputy Registrar. The Instrument thus endorsed shall be *primâ facie* proof on the production thereof in any Court that such Instrument has been duly registered in the manner provided in this Act. Provided that it shall be competent to the Court to require further evidence of such registration if it shall see sufficient cause for doing so.

Registered Instrument to be copied in Register Book.

XXXVIII. Every Instrument admitted to registration and endorsed as hereinbefore provided, shall be copied in its appropriate book according to the order of its presentation, and shall be numbered accordingly.

Procedure after entry in Register.

XXXIX. After the provisions of Sections XXXVI, XXXVII, and XXXVIII shall have been complied with, the Instrument shall be returned to the party who shall have presented the same for registration, with a further endorsement inscribed thereon and certified as above, containing the number and page of the book in which the copy and the registration of the Instrument shall have been made.

Abstract of Instruments registered in Deputy Register Office to be sent to District Registrar and General Register Office.

XL. An abstract of every original Instrument affecting immoveable property registered in the Office of any Deputy Registrar shall, with an endorsement attesting the date on which it was registered and its number in the Register Book of such Deputy Registrar, within seven days be forwarded in duplicate to the District Registrar, who shall forthwith forward one of such duplicates to the General Register Office.

Abstract of Instruments registered in District Registrar's Office to be sent to Registrar General.

XLI. An abstract of every original Instrument affecting immoveable property registered in the Office of any District Registrar, shall with an endorsement attesting the date on which it was registered and its number in the Register Book of such District Registrar, within seven days be forwarded to the General Register Office.

Entry in General Register Office of abstract of entry made in any Register.

XLII. On the receipt in the General Register Office of the abstract of any entry made in any Register, the same shall be entered in the Book No. 1, 2, 3, or 4, described in Section LVI of this Act, as the case may be.

DECREES AFFECTING REGISTERED INSTRUMENTS.

Procedure in case of registered Instruments being declared by a Civil Court to be invalid or forged.

XLIII. When any Civil Court shall by a decree or order declare any Instrument relating to immoveable property which shall have been registered under this Act to be invalid, or when any Civil Court shall pass a decree or order affecting the validity or otherwise of any such Instrument and such last mentioned decree or order shall create, declare, transfer, limit, or extinguish any right, title, or interest under such Instrument, in the immoveable property to which it relates, such Court shall cause a memorandum of the decree or ordet to be sent to the Office in which such Instrumenr shall have been originally registered.

How Memorandum to be dealt with.

XLIV. Whenever any memorandum is received under the last preceding Section, a transcript thereof shall immediately be made in the margin of the part of the book in which there is any register of the Instrument affected by such memorandum: and the District Registrar or Deputy Registrar shall forthwith transmit a copy of such memorandum to the Registrar General, and to every District Registrar and every Deputy Registrar in whose Office the said Instrument or any abstract thereof is registered.

Procedure in case of decrees being passed in any Civil Court affecting immoveable property.

XLV. When any Civil Court shall by a decree or order create, declare, transfer, limit, or extinguish any right, title, or interest of any person in any immoveable property situate in any part of British India in which this Act is for the time being in force, such Court shall cause a memorandum of the said decree or order to be sent to every District Registrar and every Deputy Registrar within the local limits of whose jurisdiction such immoveable property or any part thereof is situate. Every such memorandum received by a District Registrar or Deputy Registrar shall be entered by him in a book to be kept for the registration of decrees and orders: and a copy of such memorandum shall be sent to the Registrar General.

REGISTRATION OF WILLS, CODICILS, AND AUTHORITIES TO ADOPT.

Wills, &c.

XLVI. Any person wishing to register his Will, a Codicil to his Will, or any Instrument giving authority to adopt a son after his decease, shall either personally or by a duly authorized agent deliver such Will or Codicil, or Instrument, in a sealed cover superscribed with the name of the depositor and the nature of the Instrument, to a District Registrar who shall, if the Will, Codicil, or Instrument be presented in person, satisfy himself of the identity of the person presenting it, or if the Will, Codicil, or Instrument be presented by an agent, shall satisfy himself of the authority of such agent as provided in Section XXVIII.

Entry in Register of Wills.

XLVII. If satisfied as above, the District Registrar shall enter the receipt of every sealed cover delivered to him under the last preceding Section in the Register of Deposits of Wills, Codicils, and Instruments giving authority to adopt, transcribing therein the superscription on such sealed cover, and noting in the Register and on the sealed cover the year, month, day, and hour of such receipt, together with the name of the depositor and the name of each of the persons testifying to the identity of such depositor, and the inscription so far as it is legible on the seal of the depositor. The District Registrar shall then place the sealed cover in a fire-proof box to be supplied by Government for that purpose.

Withdrawal of Instruments deposited.

XLVIII. If the depositor of any such sealed cover shall wish to withdraw the same, it shall be lawful for him to apply by petition to the principal Court of original civil jurisdiction having jurisdiction where the sealed cover was deposited, for an order that the same be given up to him. If the Court shall be satisfied as to the identity with the depositor of the person applying for such an order, it may if it shall see fit make such an order as applied for, and the District Registrar in whose Office the sealed cover was deposited shall deliver up the same in obedience to the order.

Procedure on application to open sealed packet, on death of depositor.

XLIX. If on the death of the depositor of a sealed cover under Section XLVI, application be made to the District Registrar in whose Office the said sealed cover was deposited to open the same, the District Registrar, after satisfying himself that the depositor is dead, shall in the presence of the person making such application open the sealed cover, and shall enter a copy of the contents thereof, to be made at the expense of the applicant, in a Register of Wills, Codicils, and Instruments giving authority to adopt a son. When such copy shall have been entered, the District Registrar shall re-deposit the original Will, Codicil, or Instrument, until required to produce the same in a Court of Justice.

Copies of Wills re-deposited to be furnished on payment of fees.

L. The District Registrar shall furnish to any applicant who shall pay to him the fees payable under this Act in respect thereof, a copy authenticated by his signature of any Will re-deposited under the last preceding Section. And any copy certified by the District Registrar to be a true copy, shall be evidence of the contents of the Will, Codicil, or Instrument giving authority to adopt, of which it purports to be such copy.

SPECIAL REGISTRATION OF OBLIGATIONS FOR PAYMENT OF MONEY.

Record of agreement of parties to bond or other obligation, as to its being enforced without regular suit.

LI. Whenever the parties to a bond or other written obligation for the payment of money, shall at the time of registering the same under the provisions of this Act apply to the District Registrar or Deputy Registrar to record their agreement, that in the event of the bond or other written obligation as aforesaid not being satisfied within the time stipulated the amount may be recovered as hereinafter provided without a suit, it shall be the duty of the District Registrar or Deputy Registrar, after making such enquiries as he may think proper, to record such agreement at the foot of the endorsement required by Section XXXVI, and such record shall be signed by the District Registrar or Deputy Registrar and by the parties to the bond or other written obligation as aforesaid.

Bonds registered with such agreement may be enforced without regular suit.

LII. A bond or other obligation for the payment of money registered with such agreement as in the last preceding Section mentioned, may be enforced without a suit by any Court which would have had jurisdiction to try a suit on such bond or other obligation for the recovery of the amount, provided that the application for the enforcement of the same be made within the period of one year from the date on which the amount became payable. The bond or other obligation as aforesaid shall be enforced as a decree in a suit under the rules applicable to the execution of decrees in the Court in which the application for enforcement is made, but subject to any provisions contained in any law for the time being in force in relation to the enforcement without a suit of bonds or other obligations for the payment of money registered with such agreement as aforesaid. The application for the enforcement of a bond or other obligation for the payment of money under this Section, shall be written on a stamp paper of one-fourth the value prescribed for a petition of plaint, in a suit to recover the same amount under the provisions of Article 11, Schedule B, Act X of 1862 *to consolidate and amend the Law relating to Stamp Duties*, or any other law for the time being in force for regulating Stamp Duties.

REGISTRATION FEES.

Local Government to prescribe, subject to approval, the fees to be charged for registration.

LIII. Subject to the approval of the Governor-General of India in Council, the local Government shall prepare a table of fees payable for the registration of Instruments, for searching the Registers, and for making or granting copies of entries, abstracts, or Instruments, either on registration or search. Subject to the like approval, the local Government shall also prepare a table of special additional fees payable for every registration by a Registrar General under Section XXVI, and for such other matters as shall to the local Government appear necessary. The local Government may from time to time, subject to the like approval, alter such table. A table of the fees so payable shall be published in the Official Gazette, and shall be exposed to public view in every Office established for the registration of Instruments, and no Instrument shall be accepted for registration, and no copy shall be granted, and no search shall be made or allowed until the fee duly prescribed in that behalf shall have been paid.

Disposal of Fees.

LIV. All fees received under the provisions of this Act (not being fees payable under Section XI of this Act to Officers who are paid wholly or in part by fees), shall be remitted to such Treasury as the local Government shall direct, and be credited to Government.

REGISTERS.

Registry Books.

LV. The local Government shall provide for the Office of every Registrar General, District Registrar,

and Deputy Registrar, such books as may be necessary for the purposes of this Act. The books so provided shall contain such printed forms as shall from time to time be prescribed by the Registrar General with the sanction of the local Government for the entries to be made therein and for the indexes to such books, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title page by the Officer by whom such books shall be supplied. The local Government shall further supply the Office of every District Registrar with a fire-proof box.

Fire-proof boxes.

LVI. In every General Register Office, and in the Office of every District Registrar and Deputy Registrar, four books shall be kept, which shall be entitled—

Register Books.

1. Register of absolute transfers of immoveable property.

2. Register of other transfers of immoveable property.

3. Register of decrees and orders of Court and of awards of arbitrations.

4. General Register of all other Instruments for the registration of which provision is made in this Act, and the entry of which is not required to be made in any other Register.

LVII. All entries made in such books shall be numbered in a consecutive numerical series which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year. Whenever any Instrument for the registration of which application may be made, refers to immoveable and also to moveable property, it shall be entered in Book No. 4 and also in Book No. 1, 2, or 3, as the case may be.

Entries in Registers.

LVIII. Two Indexes shall be prepared for each Register, one containing the name of every party to every instrument registered, and the other in the case of immoveable property containing the name of the village or place where the property is situate together with a description of the property and its name and such other particulars and in such form as the Registrar General shall from time to time prescribe under Section LXIV.

Indexes.

LIX. Every District Registrar shall, in addition to the books prescribed in Section LVI of this Act, keep two books, to be entitled—

Register of Wills.

Register of deposits of Wills, and Codicils to Wills, and Instruments giving authority to adopt a son, as provided in Section XLVII.

Register of Wills, Codicils, and Instruments giving authority to adopt a son, as provided in Section XLIX.

LX. Subject to the previous payment of such fees as may be payable in that behalf, the Registers in the General Register Offices and in the Offices of all District Registrars and Deputy Registrars shall be at all times open to inspection by any person applying to inspect the same, and certified copies of any entry in such Registers shall be given to all persons applying for such copies. Provided that the only Registers to be inspected shall be the Registers Nos. 1, 2, and 3, specified in Section LVI, and the Register specified in Section XLIX.

Inspection of Register and copies of entries.

GENERAL RULES.

LXI. Every Deputy Registrar shall perform the duties of his office under the superintendence and control of the District Registrar in whose District the Office of such Deputy Registrar shall be situate; and the District Registrars shall have authority to issue (whether on complaint or otherwise) any orders they may consider necessary in respect of any proceeding or omission of any Deputy Registrar subordinate to them.

Control of proceedings of Deputy Registrars.

LXII. Every District Registrar may revise or alter any order of any Deputy Registrar subordinate to him refusing to admit a document to registration, if an appeal against such order be presented to the District Registrar within thirty days from the date of the order, but not otherwise.

Revision of orders of Deputy Registrars refusing registration.

LXIII. No appeal shall lie to the District Registrar from an order of a Deputy Registrar admitting an Instrument to registration.

No appeal from order admitting to registration.

LXIV. The Registrar General shall exercise a general superintendence over all the Register Offices within the local limits of his jurisdiction, and shall have power from time to time to frame rules not inconsistent with the terms of this Act for the guidance of the District Registrars and Deputy Registrars subordinate to him, for regulating the proceedings of these Officers and for providing for the safe custody of books, papers, and Instruments, and also for the destruction of such books, papers, and Instruments as it may be deemed to be no longer necessary to keep. The rules so framed shall be submitted to the local Government for approval, and after they shall have been approved, they shall be published in the Official Gazette, and shall have the same force as if they were inserted in this Act.

General control by Registrar General.

Power to frame Rules.

LXV. The registration of all Instruments under this Act shall be made only at the Public Office of the Officer whose duty it shall be to register the same: but any District Registrar or Deputy Registrar may on special cause being shown attend at the place of residence of any party intending to execute any Instrument, or of any person desiring to deposit a Will, Codicil, or authority to adopt a son. Every Deputy Registrar so attending shall within twenty-four hours report to the District Registrar to whom he is subordinate the fact of his having attended and his reason for so doing.

Registration to be made at a Public Office.

Proviso.

LXVI. Every District Registrar or Deputy Registrar who shall refuse to register an Instrument and every District Registrar who shall refuse to order an Instrument to be registered shall record his reasons for so refusing, and on application made by any party to the Instrument and on his furnishing a stamped paper of the value of eight annas, shall give him a copy of the reasons so recorded.

Reasons for refusal to register to be recorded.

LXVII. A registered Instrument shall operate from the time from which it would have commenced to operate if no registration had been required or made, and not from the time of its registration.

Time from which Instruments shall operate.

LXVIII. Every Instrument of the descriptions mentioned in Clauses 1 and 2 of Section XVI shall, if duly registered, have priority to any other Instrument relating to the same property, whether such other Instrument be of the same nature as the registered Instrument or not.

Priority of registered Instruments.

LXIX. It shall not be necessary for any Officer of Government to appear in person for the purpose of registering any Instrument, but when any Instrument is executed by or on behalf of Government, or by any Court, Board, Commission, or Public Office on behalf of Government, the District Registrar or Deputy Registrar to whom such Instrument is presented for registration, may if he deem it necessary refer to the Head Officer of the Court, Board, Commission, or Office on whose behalf such Instrument was executed, for information respecting the same, and on being satisfied of the execution thereof, shall register the Instrument.

Registry of Instruments executed by, or on behalf of, Government.

LXX. If any person shall wilfully make any false statement in any deposition or declaration made by him before any Officer acting in execution of this Act, in any proceeding or enquiry under the provisions of this Act, he shall be deemed guilty of the offence of giving false evidence as defined in Section 191 of the Indian Penal Code.

False statements to be dealt with as the offence of giving false evidence.

LXXI. This Act shall come into operation on the first day of January 1865 in the Presidencies of Bengal, Madras, and Bombay. This Act shall not come into operation in any other part of British India until it shall be extended thereto by an order of the Governor-General of India in Council, or by an order of the local Government, to be notified in the Official Gazette.

Commencement of Act.

SCHEDULE.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Reg. XXXVI. 1793	Bengal Code	For establishing a registry for Wills and Deeds for the transfer or mortgage of real property.	The whole Regulation.
XXVIII. 1795	Bengal Code	For extending to the Province of Benares, Regulation XXXVI. 1793, entitled "A Regulation for establishing a registry for Wills and Deeds for the transfer or mortgage of real property."	The whole Regulation.
XVII. 1803 -	Bengal Code	For establishing a registry for Wills and Deeds for the transfer or mortgage of real property in the Provinces ceded by the Nawaub Vizier to the Hon'ble the English East India Company.	The whole Regulation
VIII. 1805 -	Bengal Code	For extending to the conquered Provinces situated within the Doab and on the right bank of the River Jumna, and to the Territory ceded to the Hon'ble the English East India Company in Bundlecund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawaub Vizier to the Hon'ble the English East India Company, as have not been already extended to those Territories, and for revising and amending certain parts of the said Laws and Regulations.	Section XVII so far as it relates to Regulation XVII. 1803.
" XII. 1805 -	Bengal Code	For the settlement and collection of the Public Revenue in the Zillah of Cuttack, including the Pergunnahs of Puttespore, Kummardichour, and Bograc, at present included in the Zillah of Midnapore.	Section XXXII.

SCHEDULE A.—*continued.*

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Reg. XX. 1812 -	Bengal Code	For modifying some of the provisions contained in the existing Regulations respecting the registry of Deeds, and for establishing a Register of engagements for the delivery of Indigo.	The whole Regulation.
„ IV. 1824 -	Bengal Code	To provide more effectually for the Office of Register of Deeds.	The whole Regulation.
„ VII. 1832 -	Bengal Code	For modifying certain of the provisions of Regulation V. 1831 and for providing Supplementary Rules to that enactment.	Section IV.
„ XVII. 1802 -	Madras Code	For establishing a registry for Wills and Deeds for the transfer or mortgage of real property.	The whole Regulation.
„ XI. 1831 -	Madras Code	To provide more effectually for the Office of Register of Deeds.	The whole Regulation.
„ IX. 1827 -	Bombay Code	For establishing a Register of Title Deeds, and a general Register of Deeds, obligations, and other writings, in each Zillah subordinate to the Presidency of Bombay.	The whole Regulation.
„ XIII. 1828 -	Bombay Code	For enabling Assistant Judges, when expedient, to keep the Registers prescribed by Regulation II of 1827, when stationed in the Districts.	The whole Regulation.

Number and date of Acts.	Title.	Extent of Repeal.
Act XXX. 1838 ...	... ...	The whole Act.
„ I. 1843 ...	For amending the Law concerning the registration of written Conveyances and other Instruments affecting titles and other interests to land.	The whole Act.
„ XIX. 1843 ...	For amending the Law respecting the registration of certain Deeds.	The whole Act.
„ IV. 1845 ...	To amend the Law regarding the registration of Deeds.	The whole Act.
„ XVIII. 1847 ...	For curing the invalidity in the registration of Deeds arising from the fact of having been registered by persons not duly appointed or on other than Court days.	The whole Act.
„ XI. 1851 ...	For the custody of Registers of Deeds in the Presidency of Bengal.	The whole Act.
„ XXIX. 1856 ...	Concerning the taking of Oaths of Office by Registers of Deeds.	The whole Act.
„ III. 1859 ...	For conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds.	Sections 9 and 10.

C. BOULNOIS,
Offg. Depy. Secy. to the Govt. of India,
Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

Act No. XVII of 1864.

An Act to constitute an Office of Official Trustee.

Preamble.

Whereas it is expedient to amend the law relating to Official Trustees, and to constitute an Office of Official Trustee; It is enacted as follows :—

Interpretation.

I. The following words and expressions in this Act shall have the meanings hereby assigned to them unless there be something in the context repugnant to such construction, that is to say :—

"High Court."

The expression "High Court" shall mean Her Majesty's High Courts of Judicature at Fort William in Bengal, Fort St. George, and Bombay respectively in the exercise of their original civil jurisdiction.

"Chief Justice."

The expression "Chief Justice" shall mean the Chief Justice or Acting Chief Justice for the time being of any of the said High Courts.

"Person."

The word "person" shall include a corporation.

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Gender.

Words importing the masculine gender shall include females.

Act XVII of 1843 repealed.

II. Act XVII of 1843 (*for the appointment of Official Trustees in certain cases*) is hereby repealed except as to any proceedings pending or any Trusts now vested in an Official Trustee under it, and except in so far as that Act is made applicable to the Settlement of Prince of Wales' Island, Singapore, and Malacca, by Act XIV of 1852 (*for extending the provisions of Acts XXIV of 1841 and XVII of 1843 to the Straits Settlement*).

Official Trustees to hold as if appointed under this Act, except as to remuneration.

III. Every Official Trustee appointed under the said Act XVII of 1843 shall, save as regards the remuneration to be received by him, hold and execute the Trusts of which he is Trustee in all respects as if he were an Official Trustee appointed under this Act.

An Official Trustee to be appointed in each Presidency.

IV. In each of the Presidencies of Fort William in Bengal, Fort St. George, and Bombay, there shall be an Official Trustee. The said Official Trustees shall be called the Official Trustee of Bengal, the Official Trustee of Madras, and the Official Trustee of Bombay respectively.

Appointment, suspension, and removal of such Trustee.

V. Every Official Trustee appointed under this Act shall be appointed and may be suspended or removed from his Office by the authorities hereinafter named, that is to say—

The Official Trustee of Bengal by the Chief Justice of Her Majesty's High Court of Judicature at Fort William in Bengal.

The Official Trustee of Madras by the Chief Justice of Her Majesty's High Court of Judicature at Fort St. George.

The Official Trustee of Bombay by the Chief Justice of Her Majesty's High Court of Judicature at Bombay.

Administrator General may be appointed Official Trustee.

VI. The Administrator General or Officiating Administrator General for the time being of any of the said Presidencies shall be eligible for the Office of Official Trustee of that Presidency. Every Official Trustee appointed under this Act shall give security for the due execution of the duties of his Office in such manner and to such amount as the Chief Justice by whom he is appointed shall direct.

Security to be given by Official Trustee.

Provision for leave of absence to be granted to Official Trustee, and for appointment of a person to officiate.

VII. It shall be lawful for the Chief Justice of the High Court at any of the Presidencies, from time to time, to grant leave of absence to the Official Trustee of that Presidency, but subject always to such and the like rules as may be for the time being in force as to leave of absence of the Officers attached to such High Court. Whenever any Official Trustee shall obtain leave of absence, it shall be lawful for the Chief Justice to appoint some person to officiate as Official Trustee, and such person while so officiating shall be subject to the same conditions and be bound by the same responsibilities as the Official Trustee, and he shall be deemed to be the Official Trustee for the time being under this Act, and shall be liable to give security for the due execution of the duties of his Office in like manner as if he had been appointed Official Trustee.

Official Trustee may, with his consent, be appointed by any person Trustee of a settlement made by him.

VIII. If any person shall be about to grant, assign, or settle any property, moveable or immoveable, of what nature or kind so ever, upon or subject to any Trust, whether for a charitable purpose or otherwise, it shall be lawful for such person, with the consent of the Official Trustee, to appoint him, by the deed creating the Trust, to be the Trustee of such settlement; and upon such appointment the property so granted, assigned, or settled shall vest in such Officer and his successors in Office, and shall be held by him and them upon the Trust declared and contained in the said deed. Provided always that the consent of the Official Trustee shall be recited in the said deed, and that the deed shall be duly executed by the Official Trustee: Provided also that no Trust for any religious purpose shall ever be held by the Official Trustee, under this or under any other Section of this Act.

Official Trustee appointed under last preceding Section, to receive the remuneration specified in the deed.

IX. Every Official Trustee appointed Trustee of any property under the last preceding Section, shall be entitled to receive by way of remuneration in that behalf such sum or sums only as he shall by the deed of settlement be declared to be entitled to receive.

Under what other circumstances Official Trustee may be appointed Trustee of any property.

X. If any property is subject to a Trust, whether for a charitable purpose or otherwise, and there shall be no Trustee willing to act or capable of acting in the Trusts thereof, who is within the local limits of the ordinary or extraordinary original civil jurisdiction of the High Court, or if property is subject to a Trust, and all the Trustees, or the surviving or continuing Trustee and all the persons beneficially interested in the said Trust, shall be desirous that the Official Trustee shall be appointed in the room of such Trustees or Trustee, then and in any such case it shall be lawful for the High Court on petition, and with the consent of the Official Trustee, to appoint the Official Trustee to be the Trustee of such property: and upon such appointment such property shall vest in the Official Trustee and his successors in Office, and shall be held by him and them upon the same Trusts as the same were held previous to such appointment.

Rate of commission under last preceding Section.

XI. The Official Trustee shall be entitled by way of remuneration, in respect of all Trust property transferred to him under the last preceding Section, to a commission the rate of which shall be as follows, that is to say,—

On all capital monies received by him, a commission of one half per cent. on receiving the same.

On all capital monies invested by him, a commission of one half per cent. on investing the same.

On all sums received by him by way of interest or dividends in respect of monies invested, a commission of three-quarters per cent.

On all rents collected by him, a commission of two and a half per cent.

What expenses, &c., commission is to cover.

XII. The Official Trustee shall defray all the expenses of the establishment necessary for his Office, including the provision of Office accommodation together with all other charges to which the said Office shall be subject, except those for which express provision is made by this Act, and except those costs of litigation and the like which a Trustee would, under ordinary circumstances, be entitled to pay for out of the Trust monies in his hand. The commission to which the Official Trustee shall be entitled, is intended to cover all the expenses and risk and responsibility of management, collection, and distribution.

In all cases, Official Trustee to be sole Trustee.

XIII. It shall in no case be lawful to appoint the Official Trustee to be a Trustee along with any other person: but the Official Trustee shall always be sole Trustee.

Official Trustee to invest trust money in Government securities, &c.

XIV. The Official Trustee shall cause all capital monies received by him to be invested in Government securities, or otherwise as the Court shall direct: and if in any case the Trust funds or any part of them shall at the time of their vesting in the Official Trustee be invested otherwise than as provided in the deed or Will creating the Trust or than as ordered by the Court, it shall be the duty of the Official Trustee, as soon as he reasonably can, to realise the funds so improperly invested, and to invest the same in Government securities or otherwise as the Court shall direct.

High Court may pass orders regarding Trust property.

XV. The High Court may make any such orders as shall seem to it necessary respecting any Trust property vested in the Official Trustee, or the interest or produce thereof. All such orders shall be made on petition, unless the Court shall direct a suit to be instituted.

Unless otherwise provided in deed, Trust property may be re-transferred to original or other Trustees.

XVI. Nothing in this Act shall prevent the re-transfer of any Trust property which may have become vested in the Official Trustee, to the original or any subsequently appointed Trustee, or to such person as the Court shall direct, unless otherwise provided by the deed or Will creating the Trust.

Appointment of Official Trustee to be by name of Office. Authority granted by such appointment.

XVII. All orders which shall be made appointing any Official Trustee to act as Trustee in virtue of his Office, shall appoint him by his name of Office and shall authorize the Official Trustee for the time being of the same Presidency to act as Official Trustee of the property to which such order shall relate: and all property and interests which at the time of the death, resignation, or removal from Office of any Official Trustee shall be vested in him by virtue of such order, shall upon such death, resignation, or removal cease to be vested in him, and shall vest in his successor in Office immediately upon his appointment thereto, and all books, papers, and documents kept by such Official Trustee by virtue of his Office shall be transferred to and vested in his successor in Office.

On death, &c., of Official Trustee, property to vest in successor, and Office books to be transferred.

Official Trustee to sue or be sued in his official character by his name of Office. Suit not to abate by death, &c.

XVIII. All actions, suits, or other proceedings which shall be commenced by or against any Official Trustee in his official character, may be brought by or against him by his name of Office, and no suit, action, or other proceeding already commenced or which shall be commenced by or against any person as Official Trustee either alone or jointly with any other person, shall abate by reason of the death, resignation, or removal from office of any such Official Trustee, but the same may by order of the Court and upon such terms as to the service of notices or otherwise as the Court may direct, be continued against his successor immediately upon his appointment, in the same manner as if no such death, resignation, or removal had occurred. Provided that nothing herein contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the action or suit against him, or shall release an Official Trustee who has resigned or been removed from his Office, or the heirs, executors, administrators, or representatives of a deceased Official Trustee from being liable for any such costs.

Official Trustee to keep a separate account of each Trust, to be open to the inspection of the Chief Justice and any person authorized by him.

XIX. Every Official Trustee appointed under this Act shall enter into books, to be kept by him for that purpose, separate and distinct accounts of each Trust of which he is the Trustee, and of all such sums of money and securities for

money, goods, and things, as shall come to his hands, or to the hands of any person employed by him, or in trust for him, under this Act, and likewise of all payments made by him on account of such Trust, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively, which said books shall be kept in the Official Trustee's Office, and shall be at all times open for the inspection of the Chief Justice and of any person authorized by him to demand inspection thereof.

Chief Justice may make and alter rules and orders for custody of Trust Funds, &c.

XX. The Chief Justice shall have power, from time to time, to make and alter any general rules and orders consistently with the provisions of this Act, for the safe custody of the Trust Funds and securities which shall come to the hands or possession of the Official Trustee and for the remittance to Europe or elsewhere of all sums of money which shall be payable or belong to persons resident in Europe or elsewhere, or in other cases where such remittances shall be required, and generally for the guidance and government of the Official Trustee in the discharge of his duties; and may by such rules and orders, amongst other things, direct what books, accounts, and statements in addition to those mentioned in this Act, shall be kept by the Official Trustee, and in what form the same shall be kept, and what entries the same shall contain, and where the same shall be kept, and where and how the funds and securities and other the property belonging to the Trust of which the Official Trustee is the Trustee shall be kept or invested or deposited, and how any remittances thereof shall be made.

Publication of orders, &c.

XXI. Such orders shall be published in the Official Gazette, and it shall be the duty of the several Official Trustees to obey and fulfil the same, and the same shall be a full authority and indemnity for all persons acting in pursuance thereof.

Official Trustee to furnish Annual Schedules which shall be filed in the Court, and may, by order of the Chief Justice, be inspected by any person so authorized.

XXII. The Official Trustee of each of the said Presidencies shall once in every year, that is to say, on the first day of March, or on such other day as the Chief Justice shall direct, deliver to the Chief Justice a true Schedule showing the gross amount of all sums of money received or paid by him on account of each Trust of which he is the Trustee, and the balances during the year ending on the thirty-first day of December next before the day of delivering such Schedule, and a true list of all securities received on account of each of the said Trusts during the same period; and also a true Schedule of all Trusts which shall have come to an end or of which the Official Trustee shall have ceased to be the Trustee and the property subject to which shall have been paid or made over to the persons entitled to the same or to new Trustees during the same period, specifying the nature and amount or value of such property and the persons to whom paid or made over. The Chief Justice shall cause the said Schedules to be filed as record in the High Court; but it shall not be lawful for any person to inspect the same or to make copies thereof or of any part thereof, except on an order granted by the Chief Justice permitting him so to do.

Chief Justice to appoint Auditors.

XXIII. The Chief Justice shall from time to time appoint an Auditor or Auditors to examine the accounts of the Official Trustee at the time of the delivery of the said Schedules and also at any other time when the Chief Justice shall think fit.

Auditors to examine Schedule and report to Chief Justice.

XXIV. The Auditor or Auditors shall examine the Schedules and accounts, and report to the Chief Justice whether they contain a full and true account of every thing which ought to be inserted therein, and whether the books which by this Act are, or which by any such general rules and orders as aforesaid shall be directed to be kept by the Official Trustee, have been duly and regularly kept, and whether the Trust Funds and securities have been duly kept and invested and deposited in the manner prescribed by this Act or which shall be prescribed by any such rules and orders to be made as aforesaid.

Auditors to have power to summon witnesses and to call for books, &c.

XXV. Every Auditor shall have power to summon as well the Official Trustee as any other person or persons whose presence he may think necessary, to attend him from time to time; and to examine the Official Trustee or other party or parties, if he shall think fit, on oath or solemn affirmation, to be by him administered; and to call for all books, papers, vouchers, and documents, which shall appear to him to be necessary for the purposes of the said reference; and if the Official Trustee or other person or persons when summoned shall refuse, or, without reasonable cause, neglect to attend or to produce any book, paper, voucher, or document required, or shall attend and refuse to be sworn or make a solemn affirmation, when by law an affirmation may be substituted for an oath, or shall refuse to be examined, the Auditor or Auditors shall certify such neglect or refusal in writing to the High Court; and every person so refusing or neglecting shall thereupon be punishable, in like manner as if such refusal or neglect had been in contempt of the said High Court.

Penalty for non-attendance.

Costs of preparing Schedule, &c., how to be paid.

XXVI. The costs and expenses of preparing the said Schedules and accounts and of every such reference and examination as aforesaid, shall be defrayed by all the Trust estates to which such Schedules or accounts shall relate, which costs and expenses, and the portion thereof to be contributed by each of the said Trust estates, shall be ascertained and settled by the Auditor or Auditors, subject to the approval of the Chief Justice, and shall be paid out of the said estates accordingly by the Official Trustee.

Auditors to report specially to Chief Justice if accounts appear not correct.

XXVII. If upon any such reference and examination the Auditor or Auditors shall see reason to believe that the said Schedules do not contain a true and correct account of the matters therein contained, or which ought to be therein contained, or that the Trust Funds and securities have not been duly kept and invested or deposited in the manner directed by this Act, or which shall be directed by any such

rules and orders as aforesaid, or that the Official Trustee has failed to comply with the provisions and directions of this Act, or of any such rules and orders, he or they shall report accordingly to the Chief Justice.

Proceedings upon such report.

XXVIII. The Chief Justice may refer every such report as last aforesaid to the consideration of the Advocate General for the Presidency, who shall thereupon, if he shall think fit, proceed summarily against the defaulter or his personal representative in the High Court by petition for an account, or to compel obedience to this Act or to such rules and orders as aforesaid, or otherwise as he may think fit, in respect of all or any of the Trust estates then or formerly under the charge of such defaulter; and the Court shall have power, upon any such petition, to compel the attendance in Court of the defendant or defendants, and any witnesses who may be thought necessary, and to examine them orally or otherwise as the said Court shall think fit, and to make and enforce such order or orders as the Court shall think just.

Costs of reference, &c., how to be defrayed.

XXIX. The costs, including those of the Advocate General, and of the reference to him, if the same shall be directed by the Court to be paid, shall be defrayed either by the defendant or defendants, or out of the Trust estates rateably as the said Court shall direct; and whenever any costs shall be recovered from the defendant or defendants, the same shall be repaid to the estates by which the same shall have been in the first instance contributed, and the Court shall have power to order the Official Trustee or other person or persons, defendants, to receive his or her costs out of the said estates, if it shall think fit.

Orders of the Court to have same effect and to be executed in the same manner as decrees.

XXX. Any orders which shall be made by any of the said High Courts shall have the same effect and be executed in the same manner as decrees.

Who may apply.

XXXI. Any order under this Act may be made on the application of any person beneficially interested in any Trust property, or of any Trustee thereof, whether under disability or not.

Executor or Administrator may, by leave of the Court, pay to Official Trustee, legacy, &c., to which an infant or lunatic is entitled.

XXXII. If any infant or lunatic shall be entitled to any gift or legacy or residue or share thereof, it shall be lawful for the Executor or Administrator by whom such legacy, residue, or share may be payable or transferable, or the party by whom such gift may be made or any Trustee of such gift, legacy, residue, or share, to pay or transfer the same to the Official Trustee appointed under this Act: provided that the leave of the High Court to make such payment or transfer shall be first obtained by motion made on petition. Any money or property paid or transferred to the Official Trustee or vested in him under this Section shall be subject to the same provisions as are contained in this Act as to other property vested in such Official Trustee under the provisions thereof.

C. BOULNOIS,
Offg. Depy. Secy. to the Govt. of India,
Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information:—

ACT NO. XVIII. OF 1864.

An Act to provide for the appointment of a Municipal Committee for the City of Lucknow.

Preamble.

Whereas it is expedient to make provision for the appointment of a Municipal Committee for the City of Lucknow, and for levying duties on certain articles brought within the limits of the said City for consumption there, and generally for the regulation of all matters relating to the conservancy and improvement of the said City; It is enacted as follows:—

Appointment of Municipal Committee.

I. On and after such date as the Chief Commissioner of Oudh shall order, there shall be a Committee for the purposes of this Act, which shall be called "The Municipal Committee of the City of Lucknow." The said Committee shall consist of twenty-five Members, of whom six shall be *ex-officio* Members.

Ex-officio Members of the Committee.

II. The persons for the time being filling the following offices shall respectively be *ex-officio* Members of the Municipal Committee. That is to say, the persons filling the offices of—

Commissioner of Lucknow,
Deputy Commissioner of Lucknow,
Inspector General of Police in Oudh,
Civil Surgeon of Lucknow,
Executive Engineer of Lucknow,
City Magistrate of Lucknow.

Non-official Members.

The Non-official Members of the said Committee shall be elected annually by and from amongst the inhabitants of the City, and shall hold office for one year only, but shall be eligible for re-election.

Chief Commissioner to define limits of Lucknow, and to regulate mode of election of Members of Committee.

III. The Chief Commissioner of Oudh shall from time to time declare what shall be deemed to be the limits of the City of Lucknow for the purposes of this Act. He shall also declare who are, for the purposes of the last preceding Section, to be deemed inhabitants of the said City, and shall lay down rules fixing the times when the election of the Non-official Members of the Committee shall take place, and regulating the manner in which the elections shall be conducted. The appointment of every Non-official Member shall be subject to the approval of the Chief Commissioner, and in the event of any person elected not being approved of by him, the inhabitants shall proceed forthwith to elect another person in his stead.

Chief Commissioner may remove Non-official Members.

IV. It shall be lawful for the Chief Commissioner to remove from office any Non-official Member of the Committee; and in the event of any such Member being so removed, it shall be in the discretion of the Chief Commissioner to determine whether or not any "person

shall be elected to supply his place for the unexpired portion of the year for which such Member was elected.

Chief Commissioner may suspend the powers of Committee.

V. It shall be lawful for the Chief Commissioner at any time with the sanction of the Governor-General of India in Council to suspend or limit the powers or any of the powers of the Committee.

President, Vice-President, and Secretary.

VI. The Commissioner of Lucknow for the time being shall be the President of the Committee; the Deputy Commissioner of Lucknow shall be the Vice-President, and the City Magistrate of Lucknow shall be the Secretary.

Committee to repair, light, and construct streets, drains, &c.

VII. The Municipal Committee, so far as the funds at their disposal will permit, shall keep the streets, drains, and tanks of the City properly cleansed and repaired, and shall cause the said streets or such of them as may to them seem proper, to be lighted, and may construct new streets, drains, and tanks, and generally may do all acts and things necessary to the conservancy and improvement of the City so far as such acts and things be not repugnant to or inconsistent with the provisions of this or any other Law.

Committee may enter into contracts.

VIII. It shall be lawful for the Municipal Committee from time to time to enter into all necessary contracts for the purposes of this Act. Such contracts, if in writing, shall be signed by the Secretary and at least three Members of the Committee, and if any such contract be not reduced to writing, it shall be made with the Secretary. No contract made otherwise than as herein declared shall be in any way binding on the Committee, and no contract involving an expenditure of more than ten thousand rupees shall be binding on the Committee unless made in writing and with the sanction of the Chief Commissioner of Oudh.

Members of Committee not to be personally responsible for debts contracted by the Committee.

IX. No Member of the Committee shall be personally liable for any contract made or expense incurred by or on behalf of the Committee; but the funds from time to time in the hands of the Committee shall be liable for and chargeable with all contracts and expenses duly incurred as aforesaid. Every Member of the Committee shall be liable for any misapplication of any monies entrusted to the Committee, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and he shall be liable to be sued for the same in such Court as the Chief Commissioner of Oudh shall direct, as for money due to the Government of India.

But shall be liable for the misapplication of monies entrusted to Committee if parties or privies thereto, or if caused through their gross neglect.

Annual estimate to be sent in to Chief Commissioner.

X. The Committee shall each year, on or before such date prior to the first day of May as shall be fixed by the Chief Commissioner, furnish the Chief Commissioner with a statement or estimate (in such form as the Chief Commissioner shall direct) showing the expenditure which it is proposed by the Committee to incur during the year commencing on the first day of May then next, and the items in respect of which it is proposed to make such expenditure.

Accounts and statement of work done, to be annually furnished to Chief Commissioner.

XI. The Committee shall, as soon as may be after the first day of May in each year, provide the Chief Commissioner with a statement in detail, of all the work done by them and of all sums received and of all sums expended by them during the year ending on the thirtieth day of April then next preceding, in such form as the Chief Commissioner shall from time to time direct.

Municipal Fund.

XII. All such monies as the Chief Commissioner or any other person shall from time to time make over to the Municipal Committee for the purposes of this Act and all fines levied under this Act shall form a Municipal Fund, of which the Committee shall be the Trustees, and which shall be applied by the Committee to the conservancy and improvement of the City of Lucknow, and to the payment of the salaries and wages of the Officers and servants employed by the Committee, and all other expenses incurred in or about the carrying out the provisions of this Act.

Duty to be levied on articles taken into Lucknow for consumption there.

XIII. Duties on such things, and at such rates as the Chief Commissioner shall with the sanction of the Governor-General of India in Council from time to time declare, shall be levied in respect of the said things when brought into the City of Lucknow for consumption or use therein. The said duties shall be collected by such persons and in such manner as the Chief Commissioner shall direct. It shall be lawful for the Chief Commissioner to farm or let out the collection thereof for such period or periods as he shall think fit, but he shall in every case lay down rules as to the mode of levying and collecting the duties, and such rules shall have the like force and effect as Bye-laws duly made by the Committee.

Produce of collections on duties how to be applied.

XIV. All monies received on account of the duties aforesaid, if the same be collected directly under the orders of the Chief Commissioner, and all monies received from the farming or letting out the collection of the duties, shall be paid into the Bank of Bengal to the credit of the Chief Commissioner. Out of the monies paid in under this Section, the Chief Commissioner shall (after defraying the costs of collection if any) make over to the Committee for the purposes of this Act such sum, not being less than one-third of the monies so paid in, as shall to the Chief Commissioner seem proper.

Power of Committee to make Bye-laws.

XV. The Municipal Committee may from time to time make such Bye-laws as they may think fit, for defining, prohibiting and removing nuisances which are not public or common nuisances under the Indian Penal Code; for regulating the time and place of meeting of the Committee; the conduct of business at such meetings; the division of duties among the Members of the Committee; the appointment, suspension and removal of Officers and servants of the Committee, and fixing the salaries of such Officers and servants; for imposing penalties for the infringement of any Bye-law made by the Committee; and generally for the management of all matters connected with

the conservancy and improvement of the City. The Committee may also from time to time repeal, alter, and amend any such Bye-laws. Provided that no Bye-law shall be repugnant to any law in force. Provided also that no penalty for the infringement of any such Bye-law shall exceed fifty Rupees, and that in case of a continuing infringement, no penalty shall exceed ten Rupees for every day after notice from the Committee of such infringement.

Bye-laws to be approved by Chief Commissioner.

XVI. No Bye-law or alteration of a Bye-law shall have effect until the same shall have been approved and confirmed by the Chief Commissioner, and shall have been duly published for such length of time and in such manner as the Chief Commissioner shall order.

Copies of Bye-laws to be kept exposed to public view in the Office of the Committee.

XVII. A copy in the English and Hindoostanee languages, of every Bye-law and alteration of a Bye-law for the time being in force shall be painted on or affixed to boards, and such boards shall at all times be hung up in some conspicuous part of the Office of the Committee.

Bye-laws to have the like effect as provisions of this Act.

XVIII. All Bye-laws, when the same shall have been duly confirmed and published shall, until the same be repealed or altered, be of the like effect as if they were inserted in this Act.

All prosecutions to be instituted before a Magistrate.

XIX. All prosecutions under this Act shall be instituted before a person exercising the powers of a Magistrate as defined in the Code of Criminal Procedure, and all fines imposed may be recovered in the manner prescribed in Section 61 of the said Code. The amount of all fines realized shall be paid to the Municipal Committee and be applied by them to the purposes of this Act.

Chief Commissioner to act subject to control of Governor-General.

XX. The Chief Commissioner of Oudh shall, in every thing done under or relating to this Act, be subject to the orders and control of the Governor-General of India in Council.

This Act may be extended to any place under immediate administration of Government of India.

XXI. It shall be lawful for the Governor-General of India in Council to extend this Act to any place under the immediate administration of the Government of India. Whenever this Act shall be extended to any place under the provisions of this Section, it shall have effect in such place as if the name of such place were substituted throughout this Act for the name "Lucknow." The Governor-General of India in Council in extending this Act shall declare what and how many persons shall be *ex-officio* Members of the Municipal Committee of the place to which it is extended.

Chief Commissioner with sanction of Governor-General in Council to declare what rates shall be levied where Act is extended.

XXII. The Chief Commissioner of any place to which this Act shall be extended under the last preceding Section may, with the sanction of the Governor-General of India in Council, declare that Sections XIII and XIV or either of them, or any of the provisions of those Sections, shall be of no effect in such place, and may also with the like sanction define the persons or property within such place to be taxed for raising the monies necessary for the purposes of this Act, whether by house assessment or town-duties or otherwise, the amount or rate of the taxes to be imposed, the manner of raising and collecting them and ensuring the safety and due application of them when collected.

Proviso.

Provided that no tax-duty or other rate shall be levied under this Section in any place in which duties are levied under Section XIII of this Act.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India, Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

ACT No. XIX OF 1864.

An Act to remove certain tracts of Country in the District of Mirzapore from the jurisdiction of the local Courts.

Preamble.

Whereas it is expedient to remove certain tracts of Country in the district of Mirzapore from the jurisdiction exercised by the Civil, Criminal, and Revenue Courts and Officers of that district under the General Regulations and Acts of the Government; It is enacted as follows :—

Certain tracts removed from jurisdiction of the ordinary tribunals.

I. The tracts of Country described in the Schedule to this Act are hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the Officers of Revenue, constituted by the Regulations of the Bengal Code and by the Acts passed by the Governor-General of India in Council: Provided that nothing herein contained shall extend to or affect any case now pending in any Court or Office.

Proviso.

Administration of justice and collection of revenue, vested in Officers appointed by Lieutenant-Governor North-Western Provinces.

II. The administration of Civil and Criminal Justice and the superintendence of the settlement and realization of the Public Revenue, and all matters relating to rent within the said tracts, are hereby vested in such Officer or Officers as the Lieutenant-Governor of the North-Western Provinces may, for the pu pose of tribunals of first instance or of reference and appeal, appoint; and the said Lieutenant-Governor may fix the periods within which appeals shall be preferred; provided that no sentence of death passed by any person competent under the appointment of the Lieutenant-Governor to pass such sentence, shall be carried into execution until it be confirmed by the Sudder Court.

Question as to whether a place falls under this Act how to be settled.

III. When a question shall arise whether any place falls within the tracts described in the Schedule of this Act, it shall be competent to the Commissioner of the Division to determine on which side of the described boundary the place aforesaid may lie,

and the order made by the Commissioner shall be final.

Commencement of operation of this Act.

IV. This Act shall take effect from such date as shall be fixed by the Lieutenant-Governor of the North-Western Provinces, and notification thereof shall be published in the Office of the Commissioner of the Division and in the Courts of the Civil and Sessions Judge, and of the Magistrate of the District, and in such other manner as the Lieutenant-Governor may direct.

SCHEDULE.

The tracts referred to in the foregoing Act are as follows :—

Pergunnah Agoree, Tuppahs Agoree Khas and South Kone.

Pergunnah Singrowlee, Tuppah British Singrowlee.

Pergunnah Bicheepore, Tuppahs Phoolwa, Doodhee, and Burha.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India, Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1864, and is hereby promulgated for general information :—

ACT No. XX OF 1864.

An Act for making better provision for the care of the persons and property of Minors in the Presidency of Bombay.

Preamble.

Whereas it is expedient to make better provision for the care of the persons and property of Minors in the Presidency of Bombay ; It is enacted as follows :—

Care of persons and charge of property of Minors vested in the Civil Court.

I. The care of the persons of all Minors (not being European British Subjects) and the charge of their property shall vest in the Civil Court.

What persons claiming to have charge of property in trust for a Minor may apply for Certificate of Administration.

II. Every person who shall claim a right to have charge of property in trust for a Minor under a Will or Deed or other instrument in writing, or by reason of nearness of kin or otherwise, may apply to the Civil Court for a Certificate of Administration ; and no person shall be entitled to institute or defend any suit connected with the estate of which he claims the charge, until he shall have obtained such Certificate. Provided that when the property is of small value, not exceeding Rupees two hundred and fifty, any Court having jurisdiction may allow any relative of a Minor to institute or defend a suit on his behalf, although a Certificate of Administration has not been granted to such relative.

No person to institute or defend a suit without such Certificate.

Proviso.

Who may apply to Court to appoint a person to take charge of the property, &c., of a Minor.

III. Any relative or friend of a Minor in respect of whose property such Certificate has not been granted, or if the property consist in whole or in part of land or any interest in land, the Collector of the District, may apply to the Civil Court to appoint a fit person to take charge of the property and person of such Minor.

To what Court application to be made if property be situate in more than one District.

IV. If the property be situate in more than one District, any such application as aforesaid shall be made to the Civil Court of the District in which the Minor has his residence.

Summary inquiry to be made by Court on application.

V. When application shall have been made to the Civil Court either by a person claiming a right to have charge of the property of a Minor, or by any relative or friend of a Minor, or by the Collector, the Court shall issue notice of the application and fix a day for hearing the same. On the day so fixed, or as soon after as may be convenient, the Court shall inquire summarily into the circumstances, and pass orders in the case. Provided always that it shall be competent to the Civil Court to direct any Court subordinate to it to make such inquiry and report the result.

Proviso.

Certificate of Administration to whom to be granted.

VI. If it shall appear that any person claiming a right to have charge of the property of a Minor is entitled to such right by virtue of a Will or Deed or other instrument in writing, and is willing to undertake the trust, the Court shall grant a Certificate of Administration to such person. If there is no person so entitled, or if such person is unwilling to undertake the trust and there is any near relative of the Minor who is willing and fit to be entrusted with the charge of his property, the Court may grant a Certificate to such relative. The Court may also if it think fit (unless a Guardian have been appointed by the father), appoint such person as aforesaid, or such relative or any other relative or friend of the Minor, to be Guardian of the person of the Minor.

Court may appoint person having such Certificate Guardian of the Minor's person.

Court may call upon Collector or Magistrate for a report on the character and qualification of relative or friend.

VII. The Court may call upon the Collector or Magistrate for a report on the character and qualification of any relative or friend of the Minor, who may be desirous or willing to be entrusted with the charge of his property or person, and it shall be incumbent on the Collector or Magistrate to furnish such report after making all due inquiry.

Proceeding if no title to a Certificate be established, and if there be no relative fit to be entrusted with the property, &c., of a Minor.

VIII. If no title to a Certificate be established to the satisfaction of the Court by a person claiming under a Will or Deed or other instrument in writing, and if there be no near relative willing and fit to be entrusted with the charge of the property or person of the Minor, and the Court shall think it to be necessary for the interest of the Minor that provision should be made by the Court for the charge of his property or person, the Court shall proceed to make such provision in the manner hereinafter provided.

If estate consists of moveable property, &c., Court may grant Certificate to Public Curator or other person.

IX. If the estate of the Minor consists of moveable property or of houses, gardens, or the like, the Court shall grant a Certificate to the Public Curator appointed under Section XIX, Act XIX of 1841 (*for the protection of moveable and immoveable property against wrongful possession in cases of successions*), or if there be no Public Curator, to any fit person whom the Court may select for the purpose.

Appointment of Guardian.

X. Whenever the Court shall grant a Certificate of Administration to the estate of a Minor as aforesaid, it shall at the same time appoint a Guardian to take charge of the person and maintenance of the Minor. The person to whom a Certificate of Administration has been granted, unless he be the Public Curator, or the legal heir of the Minor, or next in succession to the property, may be appointed Guardian. Provided that in the case of Minors who have inherited property by adoption, the natural father may be appointed Guardian. If the person appointed to be Guardian be unwilling to discharge the trust gratuitously, the Court may assign him such allowance to be paid out of the estate of the Minor as under the circumstances of the case it may think suitable. The Court may also fix such allowance as it may think proper for the maintenance of the Minor, surviving parent whether natural or adoptive, husband, wife and children, if any, and such allowance and the allowance of the Guardian (if any) shall be paid to the Guardian by the Public Curator or other person as aforesaid.

Guardian's allowance.

Allowance for maintenance of Minor, &c.

When the estate consists of land, Court may direct Collector to take charge of estate.

XI. If the estate of the Minor consist in whole or in part of land or any interest in land, the Court may direct the Collector of the District in which the larger part of the same may be situated to take charge of the estate.

Court may take security.

XII. The Civil Court may take such security as it shall think necessary, from any person to whom it may grant a Certificate of Administration of the property of any Minor under this Act. Provided always, that no such security shall be demanded from the Collector of a District or the Public Curator, when their services may be availed of.

Proviso.

Cost of inquiries under this Act.

XIII. In all inquiries and other proceedings held or had by the Civil Court under this Act, the Court may make such order as to the payment of costs by the person on whose application such inquiry was made or proceeding had, or out of the estate of the Minor, or otherwise, as it may think proper.

Course to be followed when one or more of the proprietors of an estate placed under Collector's charge may come of age.

XIV. Whenever one or more of the proprietors of an estate which has been placed under the Collector's charge shall have passed his or their minority, the Collector shall represent the fact to the Civil Court, and the Court, unless it see sufficient reason to the contrary, may direct the Collector to retain charge of the shares of the property of the still disqualified proprietors during the continuance of their disqualification, or until it shall be otherwise ordered by the Court; or the Court may direct the whole estate to be made over to the management of the proprietor or proprietors who shall have become of age, with such directions as to the share or shares of the still disqualified proprietor or proprietors as to the Court shall seem fit and proper.

Proceedings of Collector subject to control of superior Revenue Authorities.

XV. The proceedings of the Collector in the charge of estates under this Act shall be subject to the control of the superior Revenue Authorities.

Public Curator, &c., to furnish inventory and annual accounts.

XVI. The Public Curator and every other Administrator to whom a Certificate shall have been granted under Section X shall, within six months from the date of the Certificate, deliver in Court an inventory of all the immoveable property belonging to the Minor, and of all such sums of money, goods, effects, and things as he shall have received on account of the estate, together with a statement of all debts due by or to the same. And the Public Curator and every such other Administrator shall furnish annually within three months from the first of May of the Christian era an account of the property in his charge, exhibiting the amounts received, disbursed, and invested on account of the estate, and the balance in hand. If any relative or friend of a Minor, or any public Officer by petition to the Court shall impugn the accuracy of the said inventory and statement or of any annual account, the Court may summon the Curator or Administrator, and inquire summarily into the matter and make such order thereon as it shall think proper, or the Court, at its discretion, may refer such petition to any subordinate Court for investigation and report.

Proceeding if accuracy of inventory or account be impugned.

Public Curator, &c., to pay proceeds of estates into Treasury. Surplus funds to be invested in Public Securities.

XVII. All sums received by the Public Curator or such other Administrator on account of any estate, in excess of what may be required for the current expenses of the Minor or of the estate, shall by him be invested on account of the estate, from time to time, in the Public Securities.

Powers of person to whom Certificate has been granted in the management of Minor's estate.

XVIII. Every person to whom a Certificate shall have been granted under the provisions of this Act may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a Minor, and may collect and pay all just claims, debts, and liabilities due to or by the estate of the Minor. But no such person shall have power to sell, alienate, mortgage, or otherwise incumber any immoveable property, or to grant a lease thereof for any period exceeding five years, without the sanction of the Civil Court previously obtained.

Relative or friend may sue for an account.

XIX. It shall be lawful for any relative or friend of a Minor at any time during the continuance of the minority to sue for an account from any Manager appointed under

this Act, or from any person to whom a Certificate shall have been granted under the provisions of this Act, or from any such Manager or person after his removal from office or trust, or from his personal representative in case of his death, in respect of any estate then or formerly under his care or management, or of any sums of money or other property received by him on account of such estate.

Continuance of suit instituted under this Act after disqualification shall have ceased.

XX. If the disqualification of a person for whose benefit a suit shall have been instituted under this Act cease before the final decision thereof, it shall be lawful for such person to continue the prosecution of the suit on his own behalf.

Revocation of Certificate.

XXI. The Civil Court for any sufficient cause may recall any Certificate granted under this Act, and may direct the Collector to take charge of the estate, or may grant a fresh Certificate to the Public Curator or any other person as the case may be, and may compel the person whose Certificate has been recalled to make over the property in his hands to his successor, and account to such successor for all moneys received and disbursed by him. The Court may also for any sufficient cause remove any Guardian appointed by the Court.

Removal of Guardian.

Penalty for neglect or refusal to deliver accounts or property.

XXII. The Civil Court may impose a fine not exceeding Five hundred Rupees on any person who may wilfully neglect or refuse to deliver his accounts or any property in his hands, within the prescribed time or a time fixed by the Court, and may realise such fine by attachment and sale of his property under the rules in force for the execution of decrees of Court, and may also commit the recusant to confinement in the Civil Jail until he shall consent to deliver such accounts or property.

Civil Court may permit resignation of trust, &c.

XXIII. The Civil Court may permit any person to whom a Certificate shall have been granted under this Act not being the Public Curator, and any Guardian appointed by the Court, to resign his trust, and may give him a discharge therefrom on his accounting to his successor duly appointed for all moneys received and disbursed by him and making over the property in his hands.

Remuneration of Public Curator, &c.

XXIV. The Public Curator and every other Administrator to whom a Certificate shall have been granted under Section X shall be entitled to receive such commission not exceeding five per centum on the sums received and disbursed by him, or such other allowance to be paid out of the Minor's estate, as the Civil Court shall think fit.

Guardian of Minors under this Act to provide for their education.

XXV. Every Guardian appointed by the Civil Court under this Act who shall have charge of any male Minor shall be bound to provide for his education in a suitable manner. The general superintendence and control of the education of all such Minors shall be vested in the Civil Court.

Civil Court may fix the residence and place of education of Minor.

XXVI. In the exercise of this superintendence and control, it shall be lawful for the Civil Court to direct that such Minor shall reside either with or without his Guardian at the Sudder Station of the District, or at any other place within the Presidency of Bombay, and shall attend for the purposes of education such School or College as to the said Civil Court may seem expedient, and to make such provision as may be necessary for the proper care and suitable maintenance of the said Minor whilst attending such School or College.

Or in certain cases to cause a Minor to be educated privately.

XXVII. If it shall appear to the Civil Court inexpedient to place any such Minor at School or College, it shall, if the proceeds of the estate are sufficient for that purpose, cause such Minor to be educated by a private tutor properly qualified, either at the family residence of such Minor or at the Sudder Station, or elsewhere within the Presidency of Bombay, and in that case also the Civil Court shall have power to determine, from time to time, the place of residence of such Minor, and to make such provision as may be necessary for his proper tuition and maintenance during the period of his education.

Charges and expenses incurred under this Act to be paid out of the profits of the Minor's estate.

XXVIII. All charges and expenses which may be incurred on account of any male Minor under the provisions of this Act, for College or School fees, or for other charges of tuition or education, or by reason of his residence in any place other than his own home or otherwise, shall be defrayed from the profits of his estate in the same manner as other expenses incurred under the authority or with the sanction of the Civil Court.

Marriage of Minors.

XXIX. Every Guardian appointed under this Act who shall have charge of an unmarried Minor, shall pay all the necessary expenses of the marriage of such Minor out of the estate; provided that these expenses shall in no case, without the sanction of the Civil Court, involve the Minor's estate in debt.

Who to be held a Minor for the purposes of this Act.

XXX. For the purposes of this Act every person shall be held to be a Minor who has not attained the age of eighteen years.

Act not to authorize the appointment of Guardians of certain married women.

XXXI. Nothing in this Act shall authorize the appointment of a Guardian of the person of a female whose husband is not a Minor, or the appointment of any person other than a female as the Guardian of the person of a female. If a Guardian of the person of a Minor be appointed during the minority of the husband of the Minor, the Guardianship shall cease as soon as the husband shall attain the age of majority.

Guardianship during the minority of the husband of a Minor when to cease.

Act not to interfere with Act XXXV of 1858.

XXXII. Nothing in this Act shall be held to interfere with the provisions of Act XXXV of 1858 *(for making better provision for the care of the Estates of Lunatics)*.

Orders of the Civil Court open to appeal.

XXXIII. All orders passed by the Civil Court under this Act shall be open to appeal to the High Court at Bombay, and shall be subject to all the provisions contained in Section 366 of the Code of Civil Procedure.

Construction of the words "Civil Court," &c. Powers of High Court not affected.

XXXIV. The expression "Civil Court" as used in this Act shall be held to mean the principal Court of original civil jurisdiction in the District, and shall not include the High Court of Judicature; and nothing contained in this Act shall be held to affect the powers of the High Court of Judicature over the person or property of any Minor subject to its jurisdiction. Unless the contrary appears from the context, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; and words importing the masculine gender shall include females.

Number.

Gender.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India, Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 1st April 1864, and is hereby promulgated for general information :—

Act No. XXI of 1864.

An Act for the extension of the jurisdiction of the Magistrates of Police in Calcutta.

Preamble.

Whereas it is expedient to empower the Magistrates of Police in Calcutta to punish summarily certain offences in addition to those which they are now empowered so to punish; It is enacted as follows :—

Persons guilty of certain offences may be tried summarily by a Magistrate of Police.

I. Every case in which any person is charged before a Magistrate of Police in Calcutta with having within the limits of the said Town, or within the limits of the Port of Calcutta as those limits are or may hereafter be defined under Act XXII of 1855 *(for the regulation of Ports and Port-dues)*, committed any offence under any of the provisions contained in Chapter XIV of the Indian Penal Code except Sections 280 and 281, may be heard and determined by such Magistrate in a summary way: and every such person shall on conviction by such Magistrate be punished in the manner provided by the Indian Penal Code for the punishment of the offence of which he shall be convicted. Provided that no Magistrate shall under this Act be competent to pass sentence in respect of any offence beyond the following limits, that is to say:—Imprisonment of either description not exceeding six months or fine not exceeding two hundred Rupees, or both imprisonment and fine in cases in which both punishments are authorized by the Indian Penal Code. Provided also that the Magistrate may commit to the High Court for trial any such case which he may in his discretion think it proper so to commit.

Sections 62, 63, 308, 309, 310, 311, 312, 313 and 314 of the Code of Criminal Procedure extended to Calcutta.

II. Sections 62, 63, 308, 309, 310, 311, 312, 313 and 314 of the Code of Criminal Procedure are hereby extended to and shall have operation within the Town of Calcutta and within the limits of the Port of Calcutta defined as aforesaid, and the words "Magistrate" and "Magistrate of a District" as used in the said Sections shall denote any Magistrate of Police in Calcutta who may be authorized in that behalf by the local Government.

Magistrate may take cognizance of offences without complaint made.

III. Any Magistrate of Police in Calcutta authorized as aforesaid may without any complaint take cognizance of any offence which he has power to hear and dispose of in a summary manner, which may come to his knowledge, and he may issue a summons, or, in cases where a warrant may issue, a warrant of arrest against the person known or suspected to have committed such offence, in the same manner as if a complaint had been made against such person.

Procedure in such cases.

IV. Save as in this Act otherwise provided the procedure contained in Act XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras, and Bombay)* as amended by Act XLVIII of 1860 *(to amend Act XIII of 1856)* shall be applicable to offences committed and charges made under this Act.

Commencement of Act.

V. This Act shall come into operation on the first day of May 1864.

Act may be extended by Governors in Council of Madras and Bombay.

VI. This Act may by an order of the Governor in Council of Fort St. George, or of the Governor in Council of Bombay respectively, to be published in the Official Gazette, be extended to the Towns and Ports of Madras and Bombay, and when so extended by such order, shall take effect in the Town and Port to which the order shall relate from the date of the publication of such order. When so extended to either the Town and Port of Madras, or the Town and Port of Bombay, this Act shall in all respects apply to such Town and Port as if the name of such Town and Port had appeared in this Act wherever the name of Calcutta appears.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India, Home Dept.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st April 1864, and is hereby promulgated for general information :—

ACT No. XXII OF 1864.

An Act to make provision for the Administration of Military Cantonments.

Preamble.

Whereas it is expedient to make provision for regulating the administration of Civil and Criminal Justice and the superintendence of Police and Conservancy, for protecting the public health within the limits of Military Cantonments, and for laying down

local Rules and Regulations to be enforced within such limits; It is enacted as follows:—

Interpretation.

I. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:—

"British India."

The words "British India" denote the Territories which are or may become vested in Her Majesty by the Statute 21 and 22 Victoria, Chapter 106, entitled "*An Act for the better Government of India,*" except the Settlement of Prince of Wales' Island, Singapore, and Malacca:

"Local Government."

The words "Local Government" denote the person or persons authorized by law to administer Executive Government in any part of British India:

"Section"

The word "Section" denotes a Section of this Act:

Number.

Words importing the singular number include the plural number, and words importing the plural number include the singular number:

Gender.

Words importing the masculine gender include females.

Act and parts of certain Regulations repealed.

II. The Act and the parts of the Regulations in the Schedule hereunto annexed set forth, are hereby repealed to the extent in the said Schedule declared.

Criminal jurisdiction of a Cantonment Magistrate.

III. When any person shall be invested by the local Government under the provisions of Section XXIII of the Code of Criminal Procedure, with the powers of a Magistrate within the limits of any Military Cantonment, such person shall be styled the Cantonment Magistrate, and within the limits of such Cantonment shall, subject to the control of the Magistrate of the District in which such Cantonment is situate, exercise the powers of a Magistrate as defined in the said Code, for the purpose of disposing of all cases arising within such Cantonment which the Magistrate of the District might dispose of, and for the commitment for trial before the Court of Session of the District or place in which such Cantonment is situate, of any person charged with any offence triable before the Court of Session, or for which the person charged shall appear to deserve a more severe sentence than a Magistrate is competent under the said Code of Criminal Procedure to award.

Cantonment Magistrate to be deemed a Magistrate in charge of a Division of a District.

IV. The Cantonment Magistrate shall be considered a Magistrate in charge of a Division of a District within the meaning and for the purposes of the Code of Criminal Procedure.

Assistant Cantonment Magistrates.

V. When any person shall be invested by the local Government under the provisions of Section XXIII of the Code of Criminal Procedure, with the powers of a subordinate Magistrate of the first or second Class within the limits of any Military Cantonment, such person shall be styled the Assistant Cantonment Magistrate and shall be subject to the Rules laid down for subordinate Magistrates in the said Code.

Small Cause Courts may be established in Cantonments.

VI. The local Government may within the limits of any Military Cantonment establish a Court of Small Causes for the trial of suits of the nature described in Section III of Act XLII of 1860 (*for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter*), and the Cantonment Magistrate, if there be a Cantonment Magistrate, shall be the Judge of the Court so established within his jurisdiction. The local Government shall from time to time declare the pecuniary limit of the jurisdiction of every Court established under this Section, but such limit shall in no case exceed five hundred Rupees.

Act XLII of 1860 to apply to all such Courts.

VII. Every Court of Small Causes established under this Act shall be deemed to be a Court established under the said Act XLII of 1860, and all the provisions of the said Act shall be applicable to every such Court, and to all suits instituted in any such Court, except as is herein otherwise provided.

Certain Acts suspended in Cantonments where Cantonment Magistrates are made Small Cause Judges.

VIII. Whenever a Court of Small Causes is established in any Military Cantonment under the provisions of Section VI, the jurisdiction exercised in such Cantonment by any Officer under Act III of 1859 (*for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds*) shall cease and determine, and so much of any Act as authorizes the Commanding Officers of Stations or Cantonments to convene Military Courts of Requests for the trial of actions of debt and other personal actions as aforesaid, shall cease to have effect within the limits of such Cantonment.

Assistant Cantonment Magistrate may be invested with powers of a Small Cause Court Judge up to fifty Rupees.

IX. The local Government may invest any Assistant Cantonment Magistrate with the powers of a Judge of a Court of Small Causes to try suits instituted in any Court which is established under Section VI: provided that no Assistant Cantonment Magistrate shall have jurisdiction to try suits for an amount exceeding fifty Rupees.

Cantonment may be declared a Sub-District under Registration Act.

X. Any Military Cantonment may be declared by the local Government to be a Sub-District for the purposes of Act XVI of 1864 (*to provide for the Registration of Assurances*). The Cantonment Magistrate of any Cantonment so declared shall be the Deputy Registrar thereof.

Act V of 1861 applicable to Police employed in Military Cantonments.

XI. The Police Force employed in any Military Cantonment shall be deemed to be part of the General Police Force under the local Government in whose Territories such Cantonment is situate, within the meaning of Section II Act V of 1861 (*for the Regulation of Police*), and all the provisions of the said Act shall be applicable to such Force. The administration of the Police within the limits of any Cantonment in which there shall be a Cantonment Magistrate shall be vested in the District Superintend-

Administration of Police within Cantonments.

ent subject to the general control and direction of the Commanding Officer of such Cantonment.

Extension of Section XXXIV Act V of 1861 to Military Cantonments.

XII. The local Government may extend Section XXXIV of the said Act V of 1861 to any Military Cantonment situate in the Territories under such Government.

Service and execution, through Cantonment Magistrate, of process issued by Commanding Officers.

XIII. The Commanding Officer of a Cantonment may send any process requiring service or execution by any means not immediately at his disposal, to the Chief Police Officer in the Cantonment for service or execution through the Cantonment Police, and it shall be the duty of the said Chief Police Officer to serve or execute such process in the same manner as if it had been issued by the Cantonment Magistrate, and subject to the same rules.

Local Government may extend Act XX of 1856 to any Military Cantonment.

XIV. It shall be lawful for the local Government to extend the provisions of Act XX of 1856 (*to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazars in the Presidency of Fort William in Bengál*), to any Military Cantonment to which a Cantonment Magistrate may be appointed, and the Cantonment Magistrate of any Military Cantonment to which the said Act shall be so extended may exercise all the powers vested in a Magistrate by that Act subject only to the control of the Magistrate of the District and the local Government. If there be no Cantonment Magistrate, the Magistrate of the District shall carry out the provisions of the said Act when so extended as aforesaid.

And may order division of Cantonments, &c.

XV. It shall be lawful for the local Government to order that any Military Cantonment to which the provisions of the said Act XX of 1856 shall be extended be divided into any number of Cantonment divisions, and to determine the nature of the tax to be levied in each such division according to Section X of the said Act.

Also lay down rules for guidance.

XVI. The local Government may prescribe rules for regulating the expenditure for the general purposes of this Act, of any funds raised under the said Act XX of 1856. Such funds may be expended for the purpose of carrying out any measures under any of the Rules and Regulations made under Section XVII of this Act in addition to or in lieu of the purposes described in Section XXXVI of the said Act XX of 1856.

Rules and Regulations to provide for certain matters specified.

XVII. The local Government shall have power te make Rules and Regulations not inconsistent with the provisions of this Act or of any other law in force, to provide within the limits of any Military Cantonment for the matters hereinafter mentioned, and from time to time to repeal, or alter, such Rules and Regulations. The Rules and Regulations made under this Section may be general for all Military Cantonments in the Territories under the local Government making the same, or special for any one or more of such Cantonments, according as the local Government shall direct.

Rules to be confirmed by Governor-General in Council.

XVIII. No Rule or Regulation made or altered under the last preceding Section shall have effect until the same shall have been confirmed by the Governor-General of India in Council. A copy of every such Rule and Regulation when so confirmed, in English and in the Vernacular language chiefly in use, shall be hung up in some conspicuous part of the Office of the Cantonment Magistrate, or in such other place as the local Government or the Commanding Officer may direct.

What Rules may provide for.

XIX. The Rules and Regulations made under Section XVII may provide—

1*st.*—For regulating, in cases in which the land within the limits of the Cantonment is the property of Government and the occupation and use of which by private persons is only permissive, the conditions under which such occupation or use shall be allowed, and under which the Government may resume possession of such land, and under which compensation shall be given to persons occupying or using the land so resumed.

2*nd.*—For maintaining proper registers of immoveable property within the limits of the Cantonment, and for providing for the registration of transfers of such property.

3*rd.*—For regulating the manner in which houses within the limits of the Cantonment shall be claimable for purchase or hire, when necessary, for the accommodation of Military Officers.

4*th.*—For regulating the management and expenditure of any funds made available by law or by the Government for the purpose of public improvements within the limits of the Cantonment, or for carrying out any Rules and Regulations passed under this Section, and the appointment of the necessary servants and establishments.

5*th.*—For the definition and prohibition of public nuisances.

6*th.*—For the maintenance generally of the Cantonment in a proper sanitary condition; for the prevention and cure of disease; for the management and regulation of the public roads, of conservancy and drainage; for the regulation and inspection of public and private necessaries, urinals, cess-pools, drains and all places in which filth or rubbish is deposited; of slaughter-houses, public markets, burial and burning grounds, and of all offensive or dangerous trades and occupations.

7*th.*—For inspecting and controlling houses of ill-fame and for preventing the spread of venereal disease.

8*th.*—For the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use.

9*th.*—For the execution and promotion of works of public utility and convenience.

10*th.*—For the registration of deaths, and for making and recording observations and facts important for the public health and interests.

11*th.*—For the imposition of penalties on persons convicted of the breach of any Rule or Regulation made under Section XVII, and for declaring what persons shall make the preliminary inquiry into or take cognizance of any breach of such Rules and Regulations, and the manner in which the investigation shall be conducted. Provided that no

penalty so imposed shall exceed a fine of fifty Rupees, or imprisonment for eight days with or without labour.

Trial of breaches of such Rules and Regulations.

XX. Breaches of any Rule or Regulation made under Section XVII shall be triable by the Cantonment Magistrate when there is such an Officer: but the local Government may invest any Assistant Cantonment Magistrate, or any other person, with powers to try such breaches, and may authorize such person to exercise such powers independently of the Cantonment Magistrate. The Magistrate of the District shall have no control over the Cantonment Magistrate, or over any Assistant Cantonment Magistrate, or any other person invested with such powers as herein aforesaid.

Levy of fines imposed.

XXI. In every case in which an offender is sentenced to a fine for the breach of any Rule or Regulation made under Section XVII, the amount may in case of non-payment be levied by distress and sale of any moveable property of the offender which may be found within the limits of the Cantonment.

Imprisonment in case of amount not being recoverable as above.

XXII. If no such property sufficient for the payment of the fine can be found, the offender shall be liable to be imprisoned without labour for any term not exceeding one month.

Imprisonment to be where.

XXIII. The imprisonment under Section XIX or Section XXII may be, if without labour, in the Civil Jail; and if with labour, in the Criminal Jail of the District.

Prosecutions, &c., under other Regulations, &c., not barred by this Act.

XXIV. Nothing in this Act nor in any Rule or Regulation made under Section XVII shall prevent any person from being prosecuted under any other Regulation or Act for any offence punishable under this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act. Provided that no person shall be punished twice for the same offence.

For protection of health, Rules and Regulations made under Clause 7 of Section XIX may be extended beyond limits of Cantonments for certain purposes.

XXV. Whenever it shall appear necessary for the protection of the health of the troops in any Military Cantonment, it shall be lawful for the Governor-General of India in Council to extend to any place outside the limits of such Military Cantonment and in the vicinity of such Cantonment all or any of the Rules and Regulations made for such Cantonment under Clause 7 of Section XIX, and to make any additional Rules and Regulations under the said Clause, and to define the limits around such Cantonment within which such Rules and Regulations or additional Rules and Regulations shall be in force.

In such case, penalties may be imposed for breach of Rules in extended limits.

XXVI. When such Rules and Regulations, with any additional Rules or Regulations made as above, shall be extended under the last preceding Section to any place outside the limits of such Cantonment, it shall be lawful for the Governor-General of India in Council to provide in the manner described in Clause 11 of Section XIX for the imposition of penalties for the breach of such Rules and Regulations, and for prescribing the manner in which and the persons by whom breaches of such Rules and Regulations shall be inquired into or be cognizable.

Courts, &c., to take judicial notice of Rules passed under this Act.

XXVII. All Courts and Magistrates shall take judicial notice of all Rules and Regulations made under Section XVII or Section XXV.

Effect of Rules, &c., passed under Section XVII of this Act in respect of Regulations, &c., previously in force.

XXVIII. Whenever in any Military Cantonment, Rules and Regulations have been made under Section XVII, so much of any Regulation or Act as may be held to empower the Commanding Officer to make local Regulations regarding matters other than Military shall cease to have any effect in such Cantonment, and all local Regulations for any Military Cantonment which may have been made before the promulgation of the Rules and Regulations for such Cantonment made under the said Section XVII, shall cease to have any effect. Provided that nothing in this Section shall be held to interfere with any Military authority vested in the said Commanding Officer under the Articles of War.

Proviso.

Unauthorized sale of liquor to Military persons in Cantonments how punishable.

XXIX. If within any Military Cantonment or within any limits around such Cantonment prescribed by the local Government, any person not amenable to the Articles of War or any Sutler or Camp-Follower shall knowingly barter, sell, or supply, or offer or attempt to barter, sell or supply any spirituous liquor, wine, or intoxicating drug to or for the use of any European Soldier, or to or for the use of any European or Eurasian being a Camp-Follower or a Soldier's wife, without a written license from the Officer Commanding or from some person having sufficient authority from the Officer Commanding to grant such license, the person so bartering, selling, or supplying, or offering or attempting to barter, sell, or supply such spirituous liquor, wine, or intoxicating drug as aforesaid, shall be liable on conviction to a fine not exceeding one hundred Rupees, or in the discretion of the Magistrate to imprisonment with or without hard labor for any period not exceeding three months, or in lieu of such fine or imprisonment to the punishment of whipping, as prescribed for offences under Section II of Act VI of 1864 *(to authorize the punishment of whipping in certain cases)*, subject to all the provisions of that Act.

Consequence of second conviction of offence under last preceding Section.

XXX. If any person convicted of an offence under the last preceding Section shall be again convicted of an offence under that Section, any spirituous liquor, wine, or intoxicating drug within such Cantonment or limits, which at the time of the commission of such subsequent offence shall belong to or be in the possession of such person, shall without further proof be deemed to be in the possession of such person for the purpose of being supplied to European Soldiers contrary to the provisions of this Act, and shall be liable to be seized and confiscated.

Camp Followers and others having possession of liquor beyond certain quantity without permit, how punishable.

XXXI. If any Camp Follower or Military Pensioner, or the wife or the widow of any Soldier, Camp-Follower, or Military Pensioner shall, within such Cantonment or limits remove, convey, or have in his or her possession any quantity of spirituous liquor or wine exceeding one seer or quart, without a permit to be signed by the Officer in Command, or such other Officer as may be appointed by him to grant permits under this Act, every such person shall be liable upon conviction to a fine not exceeding fifty Rupees, and for any subsequent offence to a fine not exceeding one hundred Rupees, or to imprisonment with or without hard labor for any term not exceeding three calendar months: provided that nothing in this Section contained shall apply to any liquor brought into a Cantonment for the private use of any Commissioned Officer.

Arrest of persons committing offence under Section XXX or XXXI.

XXXII. If any person subject to the provisions of this Act shall be found committing any offence contrary to Section XXX or Section XXXI of this Act, any Police Officer may immediately without warrant arrest such person, and also seize any spirituous liquor, wine, or intoxicating drug, together with any vessel containing the same, and any thing used for the purpose of removing, conveying, or concealing the same, which may be found in his possession, and shall thereupon without delay take such person together with the things so seized, before the Cantonment Magistrate or other Officer having jurisdiction to punish the offender.

Confiscation of liquor in respect of which conviction may be had, or which may be in possession of party convicted.

XXXIII. In case of a conviction for any offence under Section XXX or Section XXXI of this Act, the Cantonment Magistrate or other Officer may adjudge any liquor, wine, or intoxicating drug in respect of which the party shall be convicted, and any other spirituous liquor, wine, or intoxicating drug which shall be found in his possession at the time of committing the offence, and any vessel containing the same, together with any thing used for the purpose of conveying, removing, or concealing the same or any part thereof, to be confiscated; and such Magistrate may order the whole or any part or parts of any fine imposed under this Act to be paid, as soon as the same shall be realized, to the person upon whose information such conviction shall take place, or to the Officer who shall have apprehended the offender or siezed any of the goods adjudged to be confiscated.

Things seized under Act may be detained until party charged with offence is acquitted.

XXXIV. Any thing seized under Section XXXII in respect of which any person shall be charged with an offence, may be ordered to be detained until the person in whose possession the same shall have been seized shall be convicted or acquitted of the offence charged. If the person shall be acquitted, any thing so seized shall be restored; if he shall be convicted, such of the things only, if any, as shall not be adjudged by the Cantonment Magistrate or other Officer to be confiscated, shall be restored: the remainder shall be dealt with as confiscated.

How to be disposed of.

Saving of articles sold or supplied for medicinal purposes.

XXXV. The foregoing Sections shall not apply to the sale or supply of any article for medicinal purposes, by recognized Medical Practitioners, Chemists, or Druggists.

Act not to interfere with jurisdiction of Courts Martial, &c.

XXXVI. Nothing in this Act shall interfere with the jurisdiction of Courts Martial, or of Commanding Officers of Cantonments or of Regiments, Corps, or Detachments under Act XXIX of 1861 *(to consolidate and amend the Articles of War for the Government of the Native Officers and Soldiers in Her Majesty's Indian Army)*, or under Act V of 1863 *(to amend Act XXIX of* 1861), or with the provisions of any Statute for punishing mutiny and desertion of Officers and Soldiers in the service of Her Majesty in the East Indies, and the Cantonment Magistrate shall exercise no jurisdiction in respect of such offences. Provided that when a Cantonment Magistrate or other Officer not being the Commanding Officer shall have been vested by the local Government with power within the limits of any Military Cantonment to dispose of cases under any Rule or Regulation made under Section XVII, it shall not be competent to the Commanding Officer to exercise the powers described in Article 84 of the said Act XXIX of 1861 in respect of any case arising under such Rule or Regulation, when such Rules and Regulations have been passed for such Cantonment under Section XVII, and penalties shall have been laid down for their infringement. The said Rules and Regulations shall be held to be the Rules and Regulations mentioned in the said Article 84 of the said Act XXIX of 1861, and so much of the said Article as declares the penalties which may be inflicted for breach of Cantonment Regulations, shall cease from that time to have any effect in such Cantonment.

Proviso.

Acts done by Cantonment Magistrates before passing of this Act legalized.

XXXVII. All Acts done previously to the passing of this Act by Cantonment Joint Magistrates, or by persons acting under their authority or otherwise in any Military Cantonment in pursuance of an order of Government, or which shall have been or shall be ratified by the Executive Government, are hereby confirmed and made valid; and all such Officers and persons as aforesaid are hereby indemnified and discharged from liability in respect of such Acts.

Operation of Act.

XXXVIII. This Act shall, save as hereinafter is provided, extend only to the Presidency of Fort William in Bengal.

Act may be extended by the Governor-General in Council to certain other places.

XXXIX. The provisions of this Act may be extended by order of the Governor-General of India in Council to any place under the immediate administration of the Government of India, and to any place in India but not in British India in which British Troops are cantoned.

Governments of Madras, Bombay or the Punjab may extend the Act.

XL. The provisions of this Act may be extended by order of the Governor of Madras in Council, or by order of the Governor of Bombay in Council, and by order of the Lieutenant-Governor of the Punjab to any part of the territories subject to their respective Governments.

May be extended by Lieutenant-Governor of Bengal or the North Western Provinces.

XLI. The provisions of this Act may be extended by order of the Lieutenant-Governor of Bengal, or by order of the Lieutenant-Governor of the North-Western Provinces, to any part of the territories under their respective Governments not within the Presidency of Fort William in Bengal.

Publication of Orders extending the Act.

XLII. Every order issued under Sections XXXIX, XL or XLI shall be published in the Official Gazette.

Where no Court of Session within limits of jurisdiction of Cantonment Magistrate, how commitments to be made and appeals heard.

XLIII. If in the Territories not subject to the general Regulations, or in any part of India not subject to the British Government, any person be invested with the powers of a Cantonment Magistrate within the limits of any Cantonment situated in any district or place in which there is no person exercising the powers of a Court of Session, the Governor-General of India in Council may direct to what authority the commitments shall be made and by what authority the appeals from the sentences and orders passed by such Cantonment Magistrate shall be heard and determined, and such commitments and appeals shall be heard and determined by such authority in the same manner as if the commitments had been made, or the sentences or orders appealed from had been passed, by a Magistrate within the jurisdiction of a Court of Session. The Governor-General of India in Council may also direct by what authority appeals from the sentences and orders passed in cases committed by such Cantonment Magistrate shall be heard and determined; and such appeals shall be heard and determined by such last mentioned authority in like manner as if the sentences and orders appealed from had been passed by a Court of Session.

What Authority to exercise powers of Sudder Court in respect of Small Cause Courts established in a Non-Regulation place or places out of British India.

XLIV. If a Court of Small Causes shall be established under Section VI in any Military Cantonment in the Territories not subject to the general Regulations, or in any part of India not subject to the British Government, the Governor-General of India in Council shall declare what authority shall exercise the powers vested in the Sudder Court by the provisions of the said Act XLII of 1860.

Application of Registration Act to Cantonment not in British India.

XLV. If any Military Cantonment in any part of India not subject to the British Government shall be declared by the Governor-General of India in Council to be a Sub-District for the purposes of registration under Act XVI of 1864, the Governor-General of India in Council shall declare what authorities shall be deemed to be the District Registrar and the Registrar General respectively with reference to such Military Cantonment and the Deputy Registrar thereof.

Certain Regulations and Acts to cease to have effect in Cantonments in Madras, Bombay or the Punjab in which Cantonment Magistrate exercises jurisdiction under this Act.

XLVI. From the date on which any Cantonment Magistrate shall begin to exercise jurisdiction under this Act in any Cantonment in the Territories subject to the Government of Madras, or to the Government of Bombay, or to the Lieutenant-Governor of the Punjab, so much of the Regulations and Acts for the time being in force in such part of the said Territories as is in any way inconsistent with or repugnant to any of the provisions of this Act shall cease to have effect in such Cantonment.

SCHEDULE.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Regulation III. 1809...	Bengal Code...	For the support of the Police in the Cantonments and Military Bazars; for defining the powers of the Civil and Military Officers in the performance of that duty; and for fixing the local limits of the said Cantonments and Bazars.	Sections II and III.
Regulation XX. 1810...	Bengal Code...	For subjecting persons attached to the Military Establishments to Martial Law in certain cases, and for the better government of the retainers and dependants of the Army receiving public pay on fixed Establishments, and of persons seeking a livelihood by supplying the Troops in Garrison, Cantonment, and Station Military Bazars, or attached to Bazars of Corps.	So much of Section XII as declares that the persons therein mentioned shall be liable to be tried by a Native Court Martial for the offence stated. Also Sections XIII, XIV, XV, XVI, XVII, XVIII, and XXI.

SCHEDULE.

Number and date of Act.	Title.	Extent of Repeal.
Act XVIII. of 1853 ...	For regulating the sale of spirituous liquors, &c., in Cantonments.	The whole Act so far as it relates to the Bengal Presidency.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India,

Home Dept.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor-General on the 7th April 1864, and is hereby promulgated for general information :—

ACT No. XXIII OF 1864.

An Act to amend the law relating to the Customs Duties on goods imported by Sea.

Preamble.

Whereas it is expedient to amend the law relating to the Customs' Duties; it is enacted as follows :—

Act XXVI of 1863 repealed.

I. From and after the passing of this Act, Act XXVI of 1863 *(to amend Act XI of 1862, to amend Act X of 1860, to amend Act VII of 1859, to alter the Duties of Customs on Goods imported or exported by sea)* shall cease to have effect, except as to any act done or liability incurred.

Customs Duties to be levied as prescribed in this Section.

II. From and after the passing of this Act, in lieu of the Customs' Duties authorized in Act XI of 1862 *(to amend Act X of 1860, to amend Act VII of 1859, to alter the Duties of Customs on Goods imported or exported by Sea)* to be charged on Iron; on Wines and Liqueurs; on Porter, Ale, Beer, Cider, and other similar fermented liquors; and on Tobacco and on all articles not enumerated in the Schedule A annexed to the said Act XI of 1862, there shall be levied and collected, in conformity with the provisions of Act VI of 1863 *(the consolidated Customs Act)*, the following Customs' Duties; that is to say;—

On Iron (which shall not be taken to include ironmongery, cutlery, or hardware) ...	One per cent. *ad valorem*:
On Wines and Liqueurs ...	One Rupee the Imperial gallon:
On Porter, Ale, Beer, Cider, and other similar fermented liquors	One Anna the Imperial gallon:
On Tobacco, whether manufactured or not manufactured ..	Ten per cent. *ad valorem*:
On all other articles not enumerated in this Act or in the Schedule A annexed to the said Act XI of 1862 ...	Seven and a half per cent. *ad valorem*.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India,

Home Dept.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor-General on the 8th April 1864, and is hereby promulgated for general information :—

ACT No. XXIV OF 1864.

An Act relating to the Administration of certain Districts under the Government of the Lieutenant-Governor of the North-Western Provinces.

Preamble.

Whereas certain Rules for the administration of Civil Justice and for the superintendence of the settlement and of the realization of the public Revenue and of matters relating to rent in the Districts of Jhansie, Jaloun, and Lullutpore, were made by the Lieutenant-Governor of the North-Western Provinces, and came into operation on the twenty-eighth day of January and the seventh day of February 1862: and whereas the said Rules, so far as they relate to the administration of Civil Justice, were afterwards extended by an order of the Lieutenant-Governor of the North-Western Provinces to the Provinces of Kumaon and Gurhwal: and whereas it is expedient to prevent the validity of decisions, orders, and proceedings passed or held under the said Rules being questioned only by reason that the said Rules were not made in accordance with the provisions of the Indian Councils' Act 1861: and whereas it is expedient to make provision for the administration of the Districts and Provinces aforesaid and also of a tract of country in Dehra Dhoon in the North-Western Provinces known as Jounsar Bawur; It is enacted as follows:

Rules relating to jurisdiction and procedure of Revenue Officers, &c., to be deemed valid from date of issue.

I. The Rules made as aforesaid by the Lieutenant-Governor of the North-Western Provinces relating to the jurisdiction and procedure of the Revenue Officers, and for the superintendence of the settlement and of the realization of the Public Revenue, and of matters relating to rent within the said Districts of Jhansie, Jaloun and Lullutpore, shall be deemed valid for all purposes from the date on which such Rules were issued.

Rules for administration of Civil Justice to be deemed valid from date of issue until operation of this Act, and parts to continue of effect.

II. The Rules made as aforesaid by the Lieutenant-Governor of the North-Western Provinces for the administration of Civil Justice within the said Districts and thereafter extended to the Provinces of Kumaon and Gurhwal as aforesaid, shall be deemed valid for all purposes from the date on which they were issued until this Act shall come into operation. So much of the said Rules as relates

to the establishment of Courts of Civil Judicature, and provides for the trial of suits and appeals by Commissioners, Deputy Commissioners of Districts, Assistant Commissioners, Extra Assistant Commissioners, and Tehsildars, together with so much of the said Rules as relates to the periods of appeal from decisions and orders made by such Courts, shall continue to be in force after this Act shall have come into operation.

Validity given to all decisions, &c., prior to the passing of this Act.

III. No decision, order, or proceeding of any Court or Officer under any of the said Rules, made and extended as aforesaid by the Lieutenant-Governor of the North-Western Provinces, shall be questioned on the ground of such order or decision having been passed or of such proceeding having been held before the date fixed for this Act to come into operation.

Proceedings in Civil suits how to be regulated.

IV. Except as in this Act is otherwise provided, the proceedings in Civil suits of every description between party and party, brought in the said Courts of Civil Judicature, shall be regulated by the Code of Civil Procedure.

Suits where to be instituted.

V. Every suit shall be instituted in the Court of the lowest grade competent to try it.

Power of Commissioner and Deputy Commissioner as to suits instituted in any subordinate Court.

VI. It shall be lawful for the Commissioner or for the Deputy Commissioner of a District to withdraw any suit instituted in any Court subordinate to the Court of such Commissioner or Deputy Commissioner, and to try such suit himself or to refer it for trial to any other Court subordinate to his authority and competent in respect of the value of the suit to try the same.

Trial of suits for land or immoveable property situate within the jurisdiction of different Courts.

VII. If the suit be for land or other immoveable property situate within the local limits of the jurisdiction of different Courts, the suit may be brought in any Court otherwise competent to try it, within the jurisdiction of which any portion of the land, or other immoveable property in suit is situate; but in such case the Court in which the suit is brought shall apply to the Deputy Commissioner of the District if the suit is brought in any Court subordinate to the Deputy Commissioner, or to the Commissioner if the Court in which the suit is brought is the Court of a Deputy Commissioner, for authority to proceed with the same.

Periods of appeal how to be reckoned.

VIII. The periods of regular and special appeal prescribed in the Rules, which by Section II of this Act are to continue in force after this Act shall have come into operation, shall be reckoned from and exclusive of the day on which the judgment appealed against shall have been pronounced, and also exclusive of such time as may be requisite for obtaining a copy of the decree from which the appeal is made. Appeals from orders, when such appeals are allowed by the Code of Civil Procedure, shall be presented within the same period as appeals from decrees.

Act XIV of 1859 extended to certain districts and Provinces.

IX. Act XIV of 1859 (*to provide for the limitation of suits*) is hereby extended to the said Districts of Jhansie, Jaloun and Lullutpore, and to the said Provinces of Kumaon and Gurhwal, and shall take effect therein from the date on which this Act comes into operation, subject to the provision contained in Section XXIV of the said Act XIV of 1859, as regards pending suits instituted within two years from the date above mentioned.

Operation of Regulations and Acts may be extended to the same Districts, &c.

X. It shall be lawful for the Lieutenant-Governor of the North-Western Provinces by notification in the Official Gazette, to extend to the said Districts and Provinces the operation of any Regulation or Act now in force in the Districts under his Government which are subject to the General Regulations, and to declare in whom any authority to be exercised under any Regulation or Act so extended shall be vested.

Administration vested in Officers appointed by the Lieutenant-Governor of North-Western Provinces.

XI. The administration of Civil and Criminal Justice and the superintendence of the settlement and realization of the Public Revenue and of all matters relating to rent within the tract of country in the Dehra Dhoon called Jounsar Bawur, are hereby vested in such Officer or Officers as the Lieutenant-Governor of the North-Western Provinces may for the purpose of tribunals of first instance or of reference and appeal appoint.

Rules for administration.

XII. The Officer or Officers so appointed shall be guided by the Rules made before the date fixed for this Act to come into operation by the Lieutenant-Governor of the North-Western Provinces under the authority of Act XIV of 1861 (*to remove certain tracts of country in the Rohilcund Division from the jurisdiction of the tribunals established under the general Regulations and Acts*), for the guidance of the Officers appointed to administer the tracts of country described in the said Act.

Code of Civil Procedure may be extended to certain tracts.

XIII. The Lieutenant-Governor of the North-Western Provinces may, by notification in the Official Gazette, extend the Code of Civil Procedure to the said tract of country known as Jounsar Bawur or the tracts of country described in the said Act XIV of 1861.

Tracts not to be held excluded by this Act or Act XIV of 1861 from operation of Indian Penal Code.

XIV. Nothing in this Act or in the said Act XIV of 1861 shall be held to exclude the said tract of country known as Jounsar Bawur, or the tracts of country described in the said Act XIV of 1861, from the operation of the Indian Penal Code.

Operation of Act.

XV. This Act shall come into operation on the first day of May 1864.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India,
Hom Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor General on the 9th April 1864, and is hereby promulgated for general information :—

ACT NO. XXV OF 1864.

An Act to provide further for the solemnization of Marriages in India of persons professing the Christian Religion.

Preamble.

Whereas it is expedient to provide further for the solemnization of marriages in India of persons professing the Christian Religion; It is enacted as follows :—

PART I.

As to the persons by whom Marriage may be solemnized.

Marriage between persons professing the Christian Religion to be solemnized according to the provisions of this Act.

I. From and after the first day of July 1864 no marriage between persons, one of whom is a person, or both of whom are persons, professing the Christian Religion, shall be solemnized, except in accordance with the provisions hereafter stated in this Act.

Marriages by whom to be solemnized.

II. Marriages may be solemnized in India—

1st. By any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies, and customs, of the Church of which such person is a Minister.

2nd. By any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies, and customs, of the Church of Scotland.

3rd. By, or in the presence of, a Marriage Registrar under the provisions of the Statute 14 and 15 Vic, cap. 40, or of Act V of 1852 *(for giving effect to the provisions of an Act of Parliament passed in the 15th year of the reign of Her present Majesty entituled "An Act for Marriages in India")* of the Governor-General of India in Council.

4th. By any Minister of Religion who, under the provisions of this Act, has obtained a license to solemnize marriages.

5th. By any person who with respect to marriages between Native Christians, shall have received under the provisions of Part V of this Act a license to grant certificates of marriage.

Declaration and certificate heretofore required under certain Acts no longer required.

III. From and after the first day of July 1864, the declaration and certificate required by the Statute 58 Geo. III, Cap. 84, and Act XXIV of 1860 *(for the solemnization of Marriages in India by ordained Ministers of the Church of Scotland)* of the Governor-General of India in Council, shall be no longer required.

Licenses by whom to be granted.

IV. From and after the first day of July 1864 the Governor-General of India in Council, the Governors of Madras and Bombay in Council, and the Lieutenant-Governors of Bengal, the North-Western Provinces, and the Punjab, shall have authority to grant licenses to Ministers of Religion, to solemnize marriages within the territories subject to such Governor-General, Governors, and Lieutenant-Governors respectively.

Marriages solemnized otherwise than according to this Act to be void.

V. From and after the first day of July 1864, all marriages solemnized in India otherwise than in accordance with the provisions of Sections I and II of this Act, shall be null and void.

Marriages already solemnized by certain persons to be deemed valid.

VI. All marriages solemnized in India before the first day of July 1864 by persons who have not received episcopal ordination, or who have not otherwise received express authority to solemnize such marriages under Acts of Parliament or Acts of the Governor-General of India in Council, if not otherwise invalid, shall be deemed valid to all intents and purposes.

PART II.

As to the mode of solemnizing Marriages under this Act.

Notice of intended marriage to whom to be given. Form of notice.

VII. In every case of intended marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, otherwise than—

1st. Under the provisions of the Statute 14 and 15 Vic, cap. 40, or of the said Act V of 1852 of the Governor-General of India in Council: or

2nd. By a Clergyman of the Church of England according to the rites, rules, ceremonies, and customs, of that Church: or

3rd. By a Clergyman of the Church of Scotland according to the rites, rules, ceremonies, and customs of that Church: or

4th. By a person who has received a license to grant certificates of marriage between Native Christians under the provisions of Part V of this Act—

One of the parties shall give notice in writing according to the form prescribed by the Schedule (A) to this Act annexed or to the like effect, to the Minister of Religion whom he shall desire to solemnize the said marriage, and shall state therein the name or names, and the profession or condition, of each of the parties intending marriage, the dwelling place of each of them and the time (not being less than four days) during which each has dwelt there, and the Church, Chapel, or other place of, or generally used for, public worship, or the private dwelling in which the marriage is to be solemnized. Provided that if either party shall have dwelt in the place stated in the notice during more than one calendar month, it may be stated therein, that he or she has dwelt there one month and upwards. Provided also that at any place or Station where there is a Church or Chapel, or other building generally used for public worship, no Clergyman of the Church of England shall solemnize a marriage in a private dwelling or in any place except in such Church, or Chapel, or other building generally used for public worship, unless he has received a special license authorizing him to do so from and under the hand and seal of the Bishop of the Diocese, or from the Commissary of such Bishop. For such special license the Registrar of the Diocese shall be entitled to charge such additional fee as the Bishop of the Diocese may sanction.

Proviso.

Publication of Notice.

VIII. The Minister of Religion to whom such notice shall have been delivered, if he shall be entitled to officiate in the Church, Chapel, or place of, or generally used for, public worship in which it is intended to solemnize the said marriage, shall publish every notice of marriage received by him, by causing the same to be published and affixed in some conspicuous part of the said Church, Chapel, or place of, or generally used for, public worship in which it is intended that the said marriage shall be solemnized. If such Minister of Religion shall not be entitled to officiate as a Minister in such Church, Chapel, or place of, or generally used for, public worship, he shall at his option either return the said notice to the person delivering the same to him, or shall deliver the same to some other Minister entitled to officiate in such place of worship, who shall thereupon cause the same to be so published and affixed in the said Church, Chapel, or place of, or generally used for, public worship.

Notice of intended marriage in private dwelling.

IX. If it be intended that the marriage shall be solemnized not in a Church, Chapel, or other place of, or generally used for, public worship, but in a private dwelling, the Minister of Religion receiving the notice prescribed in Section VII shall forward it to the Marriage Registrar of the District, who shall affix the same to some conspicuous place in his own Office.

Procedure as to notice when one of the parties intending marriage is under twenty-one years of age.

X. When one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, every Minister as aforesaid who shall receive such notice, and who shall not forthwith return such notice to the party delivering the same under Section VIII shall, within twenty-four hours after the receipt by him thereof, send or cause to be sent by the Post, or otherwise, a copy of such notice to the Marriage Registrar of the District.

Publication of notice in such a case.

XI. The Marriage Registrar of the District on receiving any such notice shall affix the same to some conspicuous place in his own Office.

Appointment of Senior Marriage Registrar.

XII. If there be more Marriage Registrars than one in any District, the local Government shall appoint one of such Registrars to be Senior Marriage Registrar, and such notice as aforesaid shall be sent to such Senior Marriage Registrar, who, on receiving the same, shall, besides affixing it in the manner laid down in the last preceding Section, send or cause to be sent a copy of such notice to all the other Marriage Registrars in the same District, who shall likewise affix the same in their own Offices or Churches, Chapels, or places of worship as aforesaid.

Issue of certificate of notice given and declaration made.

XIII. Any Minister of Religion who shall consent or intend to solemnize any such marriage as aforesaid, on being required so to do by or on behalf of the party by whom the notice was given, and upon one of the parties intending marriage making such declaration as is hereinafter required, shall issue under his hand a certificate of such notice having been given and of such declaration having been made. Provided no lawful impediment according to the law of England be shown to the satisfaction of such Minister why such certificate should not issue, and the issue of such certificate shall not have been sooner forbidden in the manner hereinafter mentioned, by any person authorized in that behalf.

Certificate in certain cases not to issue until fourteen days after receipt of notice of marriage.

XIV. When by such declaration it appears, or when it is otherwise known to such Minister of Religion, that one of the parties intending marriage, not being a widower or widow, is under twenty-one years of age, such Minister shall not issue such certificate until the expiration of fourteen days after the receipt by him of such notice of marriage.

Declaration to be made.

XV. Before any such certificate as aforesaid shall be issued by any such Minister, one of the parties intending marriage shall appear personally before such Minister, and shall make a solemn declaration that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage, and when either or each of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the person whose consent to such marriage is required by law has been obtained thereto, or that there is no person resident in India having authority to give such consent, as the case may be.

Consent of what person necessary to the marriage of a person under twenty-one years of age.

XVI. The father, if living, of any party under twenty-one years of age, such party not being a widower or widow, or if the father be dead the guardian or guardians of the person of the party so under age lawfully appointed, or one of them, and in case there be no such guardian then the mother of such party, shall have authority to give consent to the marriage of such party, and such consent is hereby required for the marriage of such party so under age, unless there be no person authorized to give such consent resident in India.

Notice by person whose consent is required prohibiting marriage.

XVII. Every person whose consent to a marriage is required as aforesaid, is hereby authorized to prohibit the issue of the certificate by any Minister as aforesaid, at any time before the issue of such certificate, by notice in writing to such Minister, subscribed by the person authorized as aforesaid, with his name and place of abode, and his or her character in respect of either of the parties, by reason of which he or she is so authorized.

Procedure on receipt of such notice by Minister, &c.

XVIII. If any such notice prohibiting the marriage shall be received by such Minister as aforesaid, he shall not issue his certificate, and shall not solemnize the said marriage until he shall have examined into the matter of the said prohibition, and shall be satisfied that the person prohibiting the said marriage is not authorized by law so to do, or until the notice of the said prohibition be withdrawn by the person who gave the same.

Procedure before issue of certificate in the case of a Native Christian.

XIX. When any Native Christian about to be married takes a notice of marriage to a Minister of Religion, or applies for a certificate from such Minister, such Minister shall, before issuing such certificate, ascertain whether such Native Christian is cognizant of the purport and effect of the said notice or certificate, and if not, shall translate or cause to be translated the said notice or certificate to such Native Christian in the language of such Native Christian, or in some language which he understands.

Form of certificate.

XX. The certificate to be issued by such Minister as aforesaid, may be in the form prescribed by the Schedule (B) to this Act annexed, or to the like effect.

After issue of certificate, marriage may be solemnized.

XXI. After the issue of the certificate by such Minister of Religion, marriage may be solemnized between and by the parties therein described according to such form or ceremony as such Minister shall see fit to adopt. Provided that it be solemnized in the presence of at least two witnesses.

New notice and certificate required after two months.

XXII. Whenever a marriage is not solemnized within two calendar months after the date of the certificate which shall have been issued by such Minister as aforesaid, such certificate and all other proceedings thereon shall be void, and no person shall proceed to solemnize the said marriage until new notice shall have been given and certificate thereof issued in the manner aforesaid.

Proof of certain particulars as to marriage solemnized according to Part I not necessary.

XXIII. Provided that whenever any marriage has been solemnized by a Minister of Religion in accordance with the provisions of Part I of this Act, it shall not be necessary in support of such marriage to give any proof in respect of the dwelling of the parties, or of the consent of any person whose consent is thereunto required by law, or of the notice of marriage, or of the certificate or the translation thereof respectively, or in respect of the hours between which the same may have been solemnized; nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

PART III.

Time for solemnizing Marriages.

Marriages between what hours to be solemnized.

XXIV. Every marriage solemnized in India from and after the first day of July 1864, by any person who has received episcopal ordination, or by any clergyman of the Church of Scotland, or by any Minister licensed under this Act to solemnize marriages, shall be solemnized between the hours of six in the morning and seven in the evening. But the provisions of this Section shall not apply to a clergyman solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening, from and under the hand and seal of the Bishop of the Diocese, or from his Commissary. For such special license the Registrar of the Diocese shall be entitled to charge such additional fee as the Bishop of the Diocese may sanction.

Proviso.

PART IV.

As to the Registration of Marriages in India.

All marriages with certain exceptions to be registered as hereinafter prescribed.

XXV. All marriages solemnized in India from and after the first day of July 1864, between persons both or one of whom shall profess the Christian Religion, except marriages solemnized under the said Statute 14 and 15 Vic, cap. 40, and the said Act V of 1852 of the Governor-General of India in Council, shall be registered in the manner hereinafter prescribed. Provided that no omission or defect in such registration shall invalidate any marriage not otherwise invalid.

Register of marriages solemnized by Clergymen of the Church of England.

XXVI. Every [illegible] solemnized by a Clergyman of the Church of England shall be registered by the Clergyman solemnizing the same in the Register of Marriages of the Station or District in which the marriage shall be solemnized, according to the form contained in the Schedule (C) to this Act annexed.

Returns of entries in Register of marriages to be forwarded quarterly by Clergymen of the Church of England to the Registrar of the Archdeaconry.

XXVII. Every Clergyman of the Church of England shall send four times in every year returns in duplicate, authenticated by the signature of such Clergyman, of the entries in the Register of marriages solemnized at or in any Station or District at which such Clergyman shall have any spiritual charge, to the Registrar of the Archdeaconry to which he shall be subject, or within the limits of which such Station or District shall be situated. Such quarterly returns shall contain all the entries of marriages contained in the said Register from the first day of January to the thirty-first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September, and from the first day of October to the thirty-first day of December, of each year respectively, and shall be transmitted by such Clergyman within two weeks from the expiration of each of the quarters above specified. The said Registrar upon receiving the same shall transmit one duplicate to the Secretary to the Government at the Presidency in which such Archdeaconry shall be.

Register and returns of marriages by Clergymen of the Church of Scotland.

XXVIII. Every marriage solemnized by a Clergyman of the Church of Scotland shall be registered by the Clergyman solemnizing the same in a Register of Marriages to be kept by him for the Station or District in which the marriage shall be solemnized, in the form prescribed in Section XXVI for marriages solemnized by Clergymen of the Church of England, and such Clergyman shall forward quarterly to the Secretary to Government, through the Senior Chaplain of such Church, returns similar to those prescribed in the preceding Section for Clergymen of the Church of England, of all marriages solemnized by him.

Certain marriages to be registered in duplicate in Marriage Register Book and also in a counterfoil certificate.

XXIX. After the solemnization of any marriage under this Act by any person who has received episcopal ordination, but who is not a Clergyman of the Church of England, or by any Minister of Religion licensed under this

Act to solemnize marriages, the person solemnizing the same shall forthwith register such marriage in duplicate:—that is to say, in a Marriage Register Book to be kept by him for that purpose, according to the form prescribed by the Schedule (D) to this Act annexed, and also in a certificate attached to the Marriage Register Book as a counterfoil.

Entries of marriage in certificate and in Register Book to be signed and attested.

XXX. The entry of such marriage in both the certificate and Marriage Register Book shall be signed by the person by whom the said marriage has been solemnized and also by the parties married, and shall be attested by two witnesses who were present at the solemnization of the marriage, and every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the Marriage Register Book.

Certificate to be separated from Marriage Register Book and forwarded to Marriage Registrar for transmission to Government.

XXXI. The person solemnizing the said marriage shall forthwith separate the certificate from the Marriage Register Book, and transmit it within one calendar month from the time of the solemnization of the said marriage to the Marriage Registrar of the District in which such marriage was solemnized, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall cause the same to be copied into a book to be kept by him for that purpose, and shall transmit all the said certificates which he shall have received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Secretary to the Government of the Presidency or Lieutenant-Governorship within which he resides, together with the certificates from his own Marriage Register Book which he shall transmit under the twelfth Section of the said Statute 14 and 15 Vic, cap. 40, but distinct therefrom.

Copies of certificates.

XXXII Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage Registrar indicating the number of the entry of the said copy in the said book, according to the order in which each certificate was received by the said Marriage Registrar.

Registrar to add number of copy to the certificate, &c.

XXXIII. The Marriage Registrar shall also add such last mentioned number of the entry of the copy in the book, to the certificate, with his signature or initials, and shall at the end of every month transmit the same to the Secretary to the Government of the Presidency, or Lieutenant-Governorship, as aforesaid.

Custody and disposal of Register Book of marriages solemnized under Part V.

XXXIV. The person solemnizing any such marriage as is provided for in Part V of this Act, shall keep safely the said Register Book until the same shall be filled, or if he shall leave the District in which he solemnized the marriage before the said book is filled, shall make over the same to the person who shall succeed to his duties in the said District, who shall keep safely the same, and shall enter therein the entries by this Act required to be made in respect of any marriage solemnized by him within the said District; and the person having the control of the book at the time when the same shall be filled, shall transmit the same to the Marriage Registrar of the District, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall transmit the same to the Secretary to the Government at the Presidency as aforesaid, to be kept by him with the records of his office.

Transmission of certificates of certain marriages to Secretary of State for India.

XXXV. Provided that with regard to the marriages so certified, of which it may appear to the Governor-General of India in Council desirable that evidence shall be transmitted to England, the Secretary to the Government shall, at the end of every three calendar months in each year, send all the certificates of marriage sent to him as aforesaid during such three months, signed by him, to the Secretary of State for India, for the purpose of being delivered to the Registrar General of Births, Deaths, and Marriages in India.

Correction of errors.

XXXVI. Any person charged with thed uty of registering any marriage, who shall discover any error to have been committed in the form or substance of any such entry, may within one calendar month next after the discovery of such error, in the presence of the parties married, or, in case of their death or absence in the presence of two other credible witnesses who shall respectively attest the same, correct the erroneous entry according to the truth of the case by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and such person shall make the like marginal entry, attested in the like manner, in the certificate thereof, and in case such certificate shall have been already transmitted to the Secretary to the Government of the Presidency or place within which he resides, such person shall make and transmit in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

Searches may be made and certificates or copies given.

XXXVII. Every person solemnizing a marriage under this Act and hereby required to register the same, and every Marriage Registrar or Secretary to Government who shall have the custody for the time being of any Register of Marriages, or of any certificate or copies of certificate under this Act, shall at all reasonable times allow searches to be made of any Marriage Register Book, or of any certificate, or duplicate, or copies of certificate in his custody, and shall give a copy under his hand of any entry or entries in the same on the payment of the fees hereinafter mentioned: that is, for every search extending over a period of not more than one year the sum of one Rupee, and four annas additional for every additional year, and the sum of one Rupee for every single certificate.

Appropriation of fees.

XXXVIII. All fees received by a Marriage Registrar or Secretary shall be accounted for and paid over by him to Government, and all fees received by a person solemnizing a marriage not being a Marriage Registrar, may be retained by such person.

Certified copy of entry in Marriage Register, &c., to be received in evidence without further proof.

XXXIX. Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any Marriage Register or certificate or duplicate certificate required to be kept or delivered under this Act, of any entry of a marriage in such Register, or of any such certificate or duplicate certificate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such Register or certificate, or duplicate copy, or of any entry therein respectively, or of such copy.

This part not to apply to Registers or certificates of certain marriages solemnized by Marriage Registrars.

XL. Nothing contained in this Part of this Act shall apply to the Register or certificate of any marriage solemnized under the said Statute 14 and 15 Vic, cap. 40, or the said Act V of 1852 of the Governor-General of India in Council.

PART V.

As to the Marriage of certain Native Christians.

Provision for marriages of certain Native Christians.

XLI. And whereas it is expedient to make provision for the marriage of certain Native Christians to whom the provisions of the said Statute 14 and 15 Vic, cap. 40, and the said Act V of 1852 of the Governor-General of India in Council are found not to be suitable, it shall be lawful for the local Government of any Presidency or place, or the Chief Commissioner of any Province, to issue a license to any person, authorizing him to grant certificates of marriage between Native Christians, being converts from any religion in India.

No notice or certificate necessary before marriage, but subsequent certificate may be given on certain conditions.

XLII. It shall not be a necessary preliminary to the grant of a certificate by any person licensed under the last preceding Section, that any notice of marriage should have been given by either of the parties to such marriage, or that any certificate should have been issued of any notice having been given under the provisions of the said Act V of 1852 of the Governor-General of India in Council, or otherwise, and every marriage between Native Christians as aforesaid applying for a certificate under this Part of this Act, shall be certified under this Part of this Act if the following conditions be fulfilled, and not otherwise:

1. The age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years:

2. The man and the woman shall not stand to each other within the prohibited degrees of consanguinity or affinity:

3. Neither of the parties intending to be married shall have a wife or husband still living:

4. In the presence of the person so licensed and of at least two witnesses, each of the parties shall say to the other—

"I call upon these persons here present to witness that I, A. B., in the presence of Almighty God, do take thee, C. D., to be my lawful wedded wife (*or husband*)" or words to the like effect:

5. That such declaration be made between the hours of six in the morning and seven in the evening.

On marriage being duly performed, licensed person to grant a certificate thereof.

XLIII. When in respect to any marriage falling under this Part of this Act, the conditions prescribed in the last preceding Section shall have been fulfilled, it shall be the duty of the person licensed as aforesaid in whose presence the said declaration shall have been made to grant a certificate of such marriage on the application of either of the parties to such marriage on the payment of a fee of four annas. Such certificate shall be signed by such licensed person, and shall be received as conclusive evidence of such marriage having been performed, in any suit touching the validity of such marriage, and no evidence to prove the contrary shall be received in any such suit.

Licenses may be revoked.

XLIV. The local Government, or the Chief Commissioner, may at any time revoke any license granted by such Government or Chief Commissioner under Section XLI of this Act.

Grant or revocation of license to be notified in the Gazette.

XLV. The grant or revocation of any license under Sections XLI and XLIV respectively of this Act shall be notified in the Official Gazette.

Marriages performed under the provisions of Section XLII to be good and valid.

XLVI. All marriages performed between Native Christians as aforesaid, in accordance with the provisions of Section XLII of this Act, shall be good and valid to all intents and purposes.

Register Book to be kept.

XLVII. A Register Book of all marriages of which certificates shall be granted under Section XLIII of this Act, shall be kept by the person granting such certificates in his own vernacular language. Such Register Book shall be kept according to such form as the local Government shall from time to time prescribe, and true extracts therefrom duly authenticated shall be deposited at such places and at such times as the local Government shall direct.

Searches to be allowed in the Register Book.

XLVIII. Every person licensed under this Act to grant certificates of marriage and who shall have the custody of a Marriage Register Book under the last preceding Section, shall at all reasonable times allow search to be made in such Book in his custody, and shall give a copy certified under his hand of any entry or entries in the same on the payment of the fees hereinafter mentioned: that is to say—for every search extending over a period not exceeding two years the sum of eight annas, and two annas additional for every additional year.

PART VI.

As to Penalties.

Punishment for false oath, declaration, notice, or certificate, for procuring marriage.

XLIX. Whoever intentionally makes any false oath or declaration or signs any false notice or certificate required by the said Statute 14 and 15 Vic, cap. 40, or the said Act V of 1852 of the Governor-General of India in Council, or by this Act, for the purpose

of procuring any marriage, shall be guilty of the offence described in Section 193 of the Indian Penal Code, and on conviction shall be liable to the punishment prescribed in that Section.

Punishment for forbidding the issue of a Marriage Registrar's certificate by false representation.

L. Whoever forbids the issue by a Marriage Registrar of a certificate, by falsely representing himself or herself to be a person whose consent to the marriage is required by law, knowing such representation to be false, shall be guilty of the offence described in Section 205 of the Indian Penal Code, and shall on conviction be liable to the punishment prescribed in that Section.

Punishment for a person, not duly authorized, solemnizing a marriage.

LI. Whoever, not being authorized under Section II of this Act to solemnize a marriage, shall, on or after the first day of July 1864, knowingly and wilfully solemnize a marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, in the absence of a Marriage Registrar of the District in which such marriage is solemnized, shall be punished with imprisonment of either description as defined in the Indian Penal Code, which may extend to ten years, and shall also be liable to fine, or in lieu of a sentence of imprisonment for seven years or upwards, to transportation for a term of not less than seven years and not exceeding ten years ; or if the offender be an European or American, to penal servitude according to the provisions of Act XXIV of 1855 (*to substitute penal servitude for the punishment of transportation in respect of European and American Convicts, and to amend the law relating to the removal of such Convicts.*)

Punishment for solemnizing a marriage at an unauthorized hour, &c.

LII. Whoever shall, from and after the first day of July 1864 knowingly and wilfully solemnize a marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, at any time otherwise than between the hours of six in the morning and seven in the evening, or in the absence of at least two witnesses, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to three years, and shall also be liable to fine. But the provisions of this Section shall not apply to marriages solemnized under special licenses granted by the Bishop of the Diocese or by his Commissary.

Punishment for solemnizing marriage when either party is under age, before expiry of fourteen days after notice.

LIII. Any Minister of Religion licensed to solemnize marriages under this Act who shall knowingly and wilfully solemnize a marriage when one of the parties to such marriage, not being a widower or widow, is under twenty-one years of age, within fourteen days after the receipt by him of notice of such marriage, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to three years, and shall also be liable to fine. But the provisions of this Section shall not apply to marriages solemnized between Native Christians under the provisions of Part V of this Act.

Punishment for Registrars issuing certificates, or solemnizing marriages without publication of notice, &c.

LIV. Whoever, being a Marriage Registrar appointed under the provisions of the said Act V of 1852 of the Governor-General of India in Council, shall knowingly and wilfully issue any certificate for marriage, or solemnize any marriage under the said Act V of 1852, without publishing or affixing in some conspicuous place the notice of such marriage as directed by the said Act, or after expiration of two calendar months after a certificate in respect of a marriage shall have been issued by him shall solemnize such marriage, or shall, without an order of a competent Court authorizing him to do so, solemnize any marriage when one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, before the expiration of fourteen days after the receipt of such notice as is required by the said Act, or without sending or causing to be sent by the Post or otherwise a copy of such notice of marriage to the Marriage Registrar of the District, or, if there be more marriage Registrars than one, to the Senior Marriage Registrar of the District, or shall issue any certificate, the issue of which shall have been prohibited as in this Act provided by any person authorized to prohibit the issue thereof, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to five years, and shall also be liable to fine.

Punishment for persons authorized under this Act, solemnizing marriages without publication of notices, &c.

LV. Whoever, being a person authorized under the provisions of this Act to solemnize a marriage, and not being a clergyman of the Church of England solemnizing a marriage after due publication of Banns or under a license from the Bishop of the Diocese or a Surrogate duly authorized in that behalf, or not being a Clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies, and customs of that Church, shall knowingly and wilfully issue any certificate for marriage under this Act, or solemnize any marriage between such persons as aforesaid, without publishing or causing to be affixed the notice of such marriage as directed in Part II of this Act, or after the expiration of two calendar months after the certificate shall have been issued by him, or shall knowingly and wilfully issue any certificate for marriage, or solemnize a marriage between such persons, when one of the persons intending marriage, not being a widower or widow, is under twenty-one years of age, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending or causing to be sent by the Post or otherwise a copy of such notice to the Marriage Registrar, or if there be more Marriage Registrars than one to the senior Marriage Registrar of the District, or shall knowingly and wilfully issue any certificate, the issue of which shall have been forbidden under this Act, by any person authorized to forbid the issue, or shall knowingly and wilfully solemnize any marriage which shall have been forbidden by any person authorized to forbid the same, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to four years, and shall also be liable to fine.

Punishment for unlicensed person granting certificate of marriage under Part V.

LVI. Whoever, not being licensed to grant a certificate of marriage under Part V of this Act, shall grant such certificate intending thereby to make it appear that he is so licensed, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to five years, and shall also be liable to fine.

Punishment for making false entries.

LVII. Whoever shall wilfully insert or cause to be inserted any false entry in any such Register Book, or such authenticated extract therefrom as is mentioned in Section XLVII of this Act, shall be liable to the punishment prescribed by Section 193 of the Indian Penal Code.

Jurisdiction.

LVIII. Offences punishable under this Act shall be tried under the provisions of the Code of Criminal Procedure by the Court of Session as defined in the said Code of Criminal Procedure; provided that no European British subject shall be liable to be tried for any offence punishable under this Act except by one of Her Majesty's High Courts of Judicature in India. In cases beyond the limits of the Presidency Towns of Calcutta, Madras, and Bombay, charges against European British subjects for any offence under this Act shall be investigated, and the committal for trial shall be made, under the provisions of Sections 39, 40, and 41 of the Code of Criminal Procedure, and the trial of European British subjects under this Act by any of the said High Courts shall be under the procedure by which the proceedings of the said High Courts are regulated.

Code of Criminal Procedure applicable to investigations and committals under this Act.

LIX. Except as provided in the last preceding Section, the provisions of the Code of Criminal Procedure shall apply to the investigation and committal in all cases of charges under this Act. Provided that a summons shall ordinarily issue in the first instance, and provided also that offences punishable under this Act shall be bailable.

Meaning of "Church of England."

LX. The words "Church of England," wherever used in this Act, shall mean the United Church of England and Ireland as by law established:

"Church of Scotland."

The words "Church of Scotland," wherever used in this Act, shall mean the Church of Scotland as by law established.

Operation of Act.

LXI. This Act shall come into operation on the first day of July 1864.

SCHEDULE (A)—(See Section VI)

Notice of Marriage.

To *the Rev. John Brown*, a Minister of the *Free Church of Scotland, at Calcutta.*

I hereby give you notice, that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say),

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, or place of worship, in which the marriage is to be solemnized.	District in which the other party resides when the parties dwell in different Districts.
James Smith.	*Widower.*	*Carpenter.*	*Of full age.*	16, *Clive Street.*	23 *days.*	*Free Church of Scotland Church, Calcutta.*	
Martha Green.	*Spinster.*	.....	*Minor.*	20, *Hastings' Street.*	*More than a month.*		

Witness my hand, this *sixth* day of *July, one thousand eight hundred and sixty-four.*

(Signed) James Smith.

(The *Italics* in this Schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another District.)

SCHEDULE (B)—(See Section XX).

Registrar's Certificate.

I, *the Reverend John Brown, a Minister of the Free Church of Scotland at Calcutta in Bengal,* do hereby certify, that on the *sixth* day of *July* 1864, notice was duly entered in my Marriage Notice Book of the marriage intended between the parties therein named and described, delivered under the hand of *James Smith,* one of the parties (that is to say),

	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, or place of worship, in which the marriage is to be solemnized.	District in which the other party resides when the parties dwell in different Districts.
James Smith.	*Widower.*	*Carpenter.*	*Of full age.*	16, *Clive Street.*	23 *days.*	*Free Church of Scotland Church, Calcutta.*	
Martha Green.	*Spinster.*	.....	*Minor.*	20, *Hastings' Street.*	*More than a month.*		

and that the declaration required by Section XV of this Act has been duly made by the said (*James Smith*)

Date of notice entered *sixth July* 1864.
Date of certificate given *twentieth July* 1864.
The issue of this Certificate has not been prohibited by any person authorized to forbid the issue thereof.

Witness my hand, this *Twentieth* day of *July one thousand eight hundred and sixty-four.*

(Signed) JOHN BROWN,
Minister of the Free Church of Scotland.

This certificate will be void unless the marriage is solemnized on or before the *twentieth* day of *September* 1864.

(The *Italics* in the Schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another District).

SCHEDULE (C)—(See Section XXVI).

FORM OF REGISTER OF MARRIAGES.

Quarterly Returns
of
MARRIAGES,
for
The Archdeaconry of ... { *Calcutta, Madras, Bombay.*

I, Registrar of the Archdeaconry of { *Calcutta, Madras, Bombay,* do hereby Certify, that the annexed are correct Copies of the Original and Official Quarterly Returns of Marriages within the Archdeaconry of { *Calcutta, Madras, Bombay,* as made and transmitted to me for the Quarter commencing the *First* day of *January* ending the *Thirty-first* day of *March,* in the Year of Our Lord One Thousand Eight Hundred and Sixty-four.

(*Signature of Registrar*)
Registrar of the Archdeaconry of ... { *Calcutta, Madras, Bombay,*

MARRIAGES solemnized at... { *Allahabad, Barrackpore, Bareilly, Calcutta, &c., &c.*

When Married.	Names of Parties.		Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's Name and Surname.	By Banns or License.	Names of Witnesses Present.	By whom Married.
	Christian.	Surname.								
1864, 14th July	*William John*	*Hastings*	...	*Bachelor*	*Upholsterer*	*Hastings' Street*	*Peter Hastings*	*Banns*	*John Thomas Green, Thomas Hastings, Willm. Geo. Mitchell, Harriet Eliza Mitchell,*	*Henry Fisher, Senior Chaplain.*
	Sophia Ann.	*Mitchell*	...	*Spinster*	.....	*Lower Circular Road*	*Geoffry Mitchell*			

SCHEDULE (D)—(See Section XXIX).

MARRIAGE REGISTER BOOK.

No.	When Married.			Name of Parties.		Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's Name and Surname.
	Day.	Month.	Year.	Christian.	Surname.					
1	26th	July	1864	James ... Martha ...	White ... Duncan ...	26 years 17 years	Widower.. Spinster ..	Carpenter ...	Agra Agra	William White... John Duncan ...

Married in the Free Church of Scotland Church, Agra.

John Young, Minister of the Free Church of Scotland.

This Marriage was solemnized between us { *James White*, *Martha Duncan*, } in the presence of us, { John Smith. John Green. }

CERTIFICATE OF MARRIAGE.

No.	When Married.			Name of Parties.		Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's name and Surname.
	Day.	Month.	Year.	Christian.	Surname.					
1	26th	July	1864.	James ... Martha ...	White ... Duncan ...	26 years 17 years	Widower.. Spinster ...	Carpenter ...	Agra Agra	William White. John Duncan.

Married in the Free Church of Scotland Church, Agra.

John Young, Minister of the Free Church of Scotland.

This Mariage was solemnized between us { *James White*, *Martha Duncan*, } in the presence of us, { John Smith. John Green. }

C. BOULNOIS,
Offg. Depy. Secy. to Govt. of India, Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 14th April 1864, and is hereby promulgated for general information :—

ACT No. XXVI OF 1864.

An Act to extend the jurisdiction of the Courts of Small Causes at Calcutta, Madras, and Bombay, and to provide for the appointment of an increased number of Judges of those Courts.

Preamble.

Whereas it is expedient to increase the limit of the jurisdiction of the Courts of Small Causes held under Act IX of 1850 *(for the more easy recovery of small debts and demands in Calcutta, Madras, and Bombay)*, and to increase the number of Judges of the said Courts: It is enacted as follows :—

Interpretation.

I. The words "Local Government" and "High Court" as used in this Act, shall bear respectively the same meaning as the words "Governor in Council" and "Supreme Court", as used in the said Act IX of 1850.

The Small Cause Courts may take cognizance of suits for sums not exceeding one thousand Rupees.

II. The jurisdiction of the Courts held or to be held under the said Act IX of 1850 shall extend to the recovery of any debt, damage, or demand exceeding the sum of five hundred Rupees but not exceeding the sum of one thousand Rupees, and to all actions in respect thereof (except the several actions specified in the proviso in Section XXV of the same Act), provided that the cause of action shall have arisen or the defendant at the time of bringing the action shall dwell or carry on business or personally work for gain within the local limits of the jurisdiction of the Court.

The Small Cause Court may take cognizance of suits for sums exceeding one thousand Rupees if the parties consent.

III. If both parties shall agree by a Memorandum signed by them or by their Attornies and filed with the Clerk of the Court of Small Causes, that the said Court shall have power to try any action (not included in the proviso in Section XXV of Act IX of 1850), in which the debt or damage claimed or value of the property in dispute whether on balance of account or otherwise shall exceed the sum of one thousand Rupees, then and in such case the said Court shall have jurisdiction to try such action.

Powers and provisions of Act VII of 1847 extended to recovery of arrears of rent not exceeding one thousand Rupees, and Calcutta Court of Small Causes empowered to exercise extended powers.

IV. The powers and provisions of Act VII of 1847 *(to regulate distresses for small rents in Calcutta)* shall be extended to the recovery of all arrears of rent not exceeding one thousand Rupees, and the Judges of the Calcutta Court of Small Causes under Act IX of 1850 shall be empowered to exercise within their jurisdiction the extended powers of the said Act VII of 1847: and the said Act shall be construed as if, instead of Calcutta and the Settlement of Fort William in Bengal, the limits of the jurisdiction of the Court had been therein mentioned, and the Judges of the Calcutta Court of Small Causes under Act IX of 1850 instead of the Commissioners of the Court therein mentioned, and the amount of one thousand Rupees instead of one hundred Rupees, and the forms

contained in the Schedule annexed to the said Act VII of 1847 shall be altered accordingly, and shall refer to Act IX of 1850 and to this Act instead of to Act VII of 1847.

Powers and provisions of Section XCI Act IX of 1850 extended to cases not exceeding one thousand Rupees.

V. The powers and provisions of Section XCI of Act IX of 1850 are hereby extended so as to apply to the case of any person who shall hold or occupy any house, land, or tenement of which the value or the rent payable in respect thereof does not exceed the rate of one thousand Rupees by the year, and the said Section XCI of Act IX of 1850 shall be read as if the words "five hundred" were omitted, and the words "one thousand" substituted for them.

Powers and provisions of Act IX of 1850, and all rules, &c., made in pursuance thereof extended to debts, damages, and demands exceeding five hundred Rupees.

VI. The several powers and provisions of the said Act and all rules, orders, and regulations which have been or may be made in pursuance of the said Act, shall extend to all debts, damages, and demands which may be sued for in the said Courts exceeding the sum of five hundred Rupees, and to all proceedings and judgments for the recovery of the same, or otherwise in relation thereto respectively, as fully and effectually, to all intents and purposes, as the same respectively are now or may be applicable to debts, damages, and demands within the present jurisdiction of the said Courts.

In causes for an amount exceeding five hundred Rupees, Judges shall reserve case for opinion of High Court when they have doubts themselves, or when either of the parties require them to do so.

VII. In any cause of an amount exceeding five hundred Rupees, the Judges of the said Courts of Small Causes shall reserve any question of law or equity or any question as to the admission or rejection of any evidence as to which they shall entertain any doubts, or which they shall be requested by either party to the suit to reserve, for the opinion of the High Court, and shall give judgment contingent upon the opinion of the said High Court, on a case which they shall thereupon be entitled to state to the said Court. If only two Judges sit together and shall differ in opinion, the question on which they differ shall be so reserved.

Security to be given in certain cases when case is reserved.

VIII. When judgment is given contingent upon the opinion of the High Court, the party against whom such judgment is given shall, unless he be willing to submit to such judgment, forthwith give security to be approved by the Clerk of the Court, for the costs of the reference to the High Court and for the amount of the judgment; provided nevertheless, that such security, so far as regards the amount of the judgment, shall not be required in any case where the Judge of the Court of Small Causes who tried the suit shall have ordered the defendant to pay the amount of such judgment into the hands of the Clerk of the said Court and the same shall have been paid accordingly; and the said High Court may either order a new trial on such terms as it thinks fit, or may order judgment to be entered for either party as the case may be, and may make such order with respect to the costs of reserving the question and stating the same for their opinion, and otherwise arising thereout or connected therewith, as such High Court may think proper. And all orders made by the High Court under this Section shall be final.

Costs of sending up the case to be at the discretion of the High Court.

No costs in cases brought in the High Court when verdict is for less than one thousand Rupees unless Judge certifies &c.

IX. If any action shall after the passing of this Act be commenced in the High Court, for any cause other than those specified in Section C of Act IX of 1850, for which a summons might have been taken out from a Court held under the said Act IX of 1850 or under this Act, and in which such Court would have had jurisdiction, and if a verdict shall be found for the plaintiff for a sum less than one thousand Rupees if the said action is founded on contract, or less than three hundred Rupees if it is founded on wrong, the plaintiff shall have judgment to recover such sum only and no costs, and if a verdict shall not be found for the plaintiff, the defendant shall be entitled to his costs as between attorney and client, unless in either case the Judge who shall try the case shall certify that by reason of the difficulty, novelty, or general importance of the case, or of some erroneous course of decisions in like cases in the Court of Small Causes, the action was fit to be brought in the High Court.

In suit in High Court against Officer of Court, if no verdict for more than one thousand Rupees, no costs allowed unless Judge shall certify.

X. If any person shall bring any suit in the High Court in respect of any grievance committed by the Clerk, Bailiff, or Officer of any Court held under Act IX of 1850 or under this Act, or under color or pretence of the process of the said Court, and upon the trial of the action no greater damages shall be found for the plaintiff than the sum of one thousand Rupees, no cost shall be awarded to the plaintiff in such action unless the Judge shall certify in Court that the action was fit to be brought in the High Court.

Fees payable to the Courts of Small Causes in suits under this Act.

XI. There shall be payable in the Court of Small Causes at Calcutta, Madras, and Bombay respectively, in every cause of an amount to which jurisdiction is given to the said Court by this Act, the fees set forth in the Schedule hereto annexed, besides the sum of two annas in each Rupee of the amount sued for, so far as such amount does not exceed five hundred Rupees, and one anna in the Rupee so far as such amount exceeds five hundred Rupees, which fee shall be paid over to the same account as that to which the fees payable under Section XIX of Act IX of 1850 are paid over.

Government may appoint as many Judges as may be necessary.

XII. Whereas by Section VIII of the said Act IX of 1850, provision is made for the appointment of so many persons as may be necessary not exceeding three, to be Judges of the said Courts of Small Causes respectively, it is hereby enacted that it shall be lawful for the local Government with the previous sanction of the Governor-General of India in Council, to appoint as many persons as may be necessary to be Judges of the said Courts respectively.

Fees payable to Barristers and Attornies in suits tried under this Act.

XIII. The fees to be taken by Barristers at Law and Attornies practising in the said Courts in cases brought within the jurisdiction given by this

Act, shall be as follows :—an Attorney shall be entitled to have or recover a sum not exceeding fifty-one Rupees for his fees and costs, and in no case shall any fee exceeding eighty-five Rupees be allowed for employing a Barrister as Counsel in the cause. The expense of employing a Barrister or an Attorney, or both a Barrister and an Attorney, either by plaintiff or defendant, shall not be allowed as costs, unless by order of the Judge, and the Judges of the said Court shall determine in what cases such expenses shall be so allowed.

One of the Judges appointed under Act IX of 1850 to be styled First Judge; and to arrange the distribution of business among the other Judges.

XIV. Of the Judges appointed under Section VIII of the said Act IX of 1850, the one who is a Barrister at law or Advocate of one of the High Courts of India or of the Court of Session of Scotland shall be styled the First Judge. The First Judge shall make such arrangements as he shall think fit, with regard to the distribution of the suits and of the general business of the Court among the various Judges thereof: and he may vary such arrangements from time to time.

Code of Civil Procedure may be extended in certain cases to Small Cause Courts.

XV. The Local Government may, with the sanction of the Governor-General of India in Council, declare that the whole or any part or parts of the Code of Civil Procedure shall be applicable to any Court held under Act IX of 1850 or under this Act: and the procedure prescribed in the said Code or the part or parts thereof so declared to be applicable shall thereupon be the procedure followed in such Court: Provided that no right of appeal or review shall in any case be given by any declaration made under this Section.

This Act to be read as part of Act IX of 1850.

XVI. This Act and the said Act IX of 1850 shall be read and construed as one Act, as if the several provisions in the said Act contained, not inconsistent with the provisions of this Act, were repealed and re-enacted in this Act.

SCHEDULE OF FEES.

Sums not above	Every Summons or Subpœna.		Warrant.	
Rs.	Rs.	As.	Rs.	As.
600	2	4	6	0
700	2	8	7	0
800	2	12	8	0
900	3	0	9	0
1,000	3	4	10	0

C. Boulnois,
Offg. Depy. Secy. to the Govt. of India,
Home Dept.

HOME DEPARTMENT.

No. 2987.

Fort William, 15th April 1864.

Notification.—The Hon'ble Arthur George Macpherson took his seat, on the 23rd ultimo, as an Officiating Puisne Judge of the High Court of Judicature at Fort William in Bengal.

No. 2988.

The Hon'ble Frederick August Bernard Glover took his seat, on the 5th instant, as an Officiating Puisne Judge of the High Court of Judicature at Fort William in Bengal.

No. 2989.

The Hon'ble John Paxton Norman took his seat as Officiating Chief Justice of the High Court of Judicature at Fort William in Bengal on the 12th instant.

No. 2990.

The Hon'ble Andrew Thomas Turton Peterson took his seat as an Officiating Puisne Judge of the High Court of Judicature at Fort William in Bengal on the 12th instant.

No. 2991.

Mr. Alexander Wood-Russell, of the Civil Service, has reported his departure for Europe by the Steamer "Alphee," which was left by the Pilot at sea on the 4th instant.

No. 2992.

Appointment.—Under the provisions of the Act of Parliament Nos. 24 and 25 Vic., Cap. 104, Sec. 7, the Governor General in Council has been pleased to appoint Mr. Robert James Scott, of the Bengal Civil Service, to officiate, until further orders, as a Judge of the High Court of Judicature at Fort William in Bengal.

No. 2993.

Leave of Absence.—The Governor General in Council is pleased to grant to Sir Theophilus Metcalfe, Bart., of the Civil Service, leave of absence to England, on medical certificate, for twelve months.

No. 2994.

Mr. A. I. L. Cappel, Superintendent of Telegraphs in Ceylon, has obtained leave of absence to Europe, on medical certificate, for twelve months, from the 14th February last.

Mr. Cappel has also been granted preparatory leave for fourteen days, from the 1st idem.

No. 2995.

Notification.—Mr. F. Wright, Assistant Superintendent of Police, West Berar, has passed an examination in Criminal Law and the Vernacular language of the district.

No. 2996.

The Hon'ble H. T. Raikes has reported his departure for Europe by the Steam Ship "Bengal," which vessel was left by the Pilot at sea on the 13th instant.

A. M. Monteath,
Under Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 2111.

Fort William, the 15th April 1864.

The following Statement of the Silver received and coined in the Mints of Calcutta, Madras, and Bombay in February 1864, is published for general information :—

	Calcutta.			Madras.			Bombay.		
	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.
	Govt.	Merchts.		Govt.	Merchts.		Govt.	Merchts.	
In Feb. 1864.	415	27,82,322	15,94,389	...	26,662	19,76,000	...	68,98,141	81,02,808

E. H. LUSHINGTON,

Secy. to the Govt. of India.

DEPARTMENT OF ISSUE OF PAPER CURRENCY, CALCUTTA.

NOTIFICATION.

No. 316, *dated* 21*st April* 1864.

With reference to Resolution of the Government of India, Financial Department, No. 1846, dated 8th April 1864, published in the *India Gazette* of the 9th idem, it is hereby notified that all Government Currency Notes, which have been issued through the Agency of the Branches of the Bank of Bengal, at Mirzapore and Benares, will, at the pleasure of the holders of such Notes, be either paid in coin or be exchanged for Notes of the Allahabad Circle by the Deputy Commissioner of Issue at Allahabad, on or after the 1st of May 1864, or if preferred, they will be paid in coin by the Head Commissioner of Currency at Calcutta.

H. HYDE,

Head Commissioner.

MILITARY DEPARTMENT.

Fort William, the 15th April 1864.

No. 348 *of* 1864.—The undermentioned Warrant Officer is permitted to proceed to Europe on furlough on private affairs :—

Conductor A. Connell, Supervisor, Fyzabad Division, Department of Public Works.	For 3 years, under the old Regulations.

No. 349 *of* 1864.—Mr. F. B. Girdlestone, appointed an Assistant Surveyor, on probation in the Topographical Branch of the Survey Department, in Government General Order No. 535 of the 21st August last, is confirmed in that appointment on the full initiatory salary of the grade, with effect from the 1st February 1864.

No. 350 *of* 1864.—With reference to Government General Order No. 341 of the 15th instant, the following temporary appointments are made :—

Army Commissariat Department.

Lieutenant H. D. E. W. Chester, Bengal Staff Corps, Assistant Superintendent of Police, Hazareebaugh. Lieutenant R. M. B. Thomas, Doing-duty Officer, 10th Native Infantry. Lieutenant A. R. Badcock, General List, Infantry, Doing-duty Officer, 5th Regiment Native Infantry.	To officiate as Sub-Assistant Commissaries General of the 2nd Class, to complete the Establishment, until further orders.

No. 351 *of* 1864.—With reference to the Notification from the Home Department, No. 2760, dated 15th instant, the services of Captain R. Baring, of Her Majesty's 19th Hussars, Aide-de-Camp to His Excellency the Viceroy and Governor General, are placed at the disposal of His Excellency the Commander-in-Chief from the 23rd instant.

No. 352 *of* 1864.—The undermentioned individual of Her Majesty's Service is permitted to reside and draw his pay in India as an Out-pensioner of Chelsea Hospital, according to the 23rd Clause of the Royal Warrant of the 1st July 1848, pending a reference to the Home Authorities as to the amount of his pension :—

Gunner William Neal, No. 3 Battery, 25th Brigade Royal Artillery.

No. 353 *of* 1864.—The services of Assistant Surgeon J. B. Allen, Civil Assistant Surgeon of Behar, are, at his own request, placed at the disposal of His Excellency the Commander-in-Chief.

No. 354 *of* 1864.—The undermentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Captain J. A. Brereton, of the late 33rd Regiment Native Infantry ...	12th April 186-
Assistant Surgeon J. B. Allen, of the Medical Department, Civil Assistant Surgeon, Behar (Gyah) ...	

No. 355 *of* 1864.—The services of Assistant Surgeon T. G. Skardon are placed at the disposal of the Foreign Department.

No. 356 *of* 1864.—The following promotions are made, subject to Her Majesty's approval :—

Corps or Department.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
Medical Dept.	Assistant Surgeon Alexander Christison, M. D.	Surgeon ...	24th March 1864.	Deputy Inspector General of Hospitals W. Thomson, retired.
	Assistant Surgeon James Macnabb Cuningham, M. D.	Ditto ...	1st April 1864...	Deputy Inspector General of Hospitals J. B. Dickson, retirred.

No. 357 *of* 1864.—Captain C. S. J. Terrot, of the late 29th Regiment Native Infantry, is allowed leave of absence, from the 1st instant to the 30th June 1864, to visit Kurrachee and Bombay, preparatory to applying for furlough to Europe on private affairs under the old Regulations.

No. 358 *of* 1864.—The undermentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Major General J. MacDuff, C. B., of Her Majesty's Service, Commanding Oude Division.	For 6 months, under the new Regulations.
Surgeon Arthur James Payne, M. D. and B. A., of the Medical Department, Superintendent of the European and Native Insane Asylums at Bhowaneepore and Dullunda.	For 15 months, under the new Regulations.
Lieutenant Albert Dawson Phelps, of the 43rd Regiment Madras Native Infantry.	For 15 months, under the new Regulations.

No. 359 *of* 1864.—The undermentioned Students of the Military Class, attached to the Medical College, having been reported qualified to serve as Native Doctors, are admitted into the service accordingly, with effect from the 8th instant, and placed at the disposal of the Principal Inspector General, Medical Department :—

Abdool Mujid,
Mahomed Abbas,
Charles Lewis Amue,
Ahmud Khan,
Abdool Rohman, 1st.

No. 360 *of* 1864.—The following Extract from the London Gazettes of the 19th February and 1st March 1864 are published for general information :

WAR OFFICE, PALL MALL,
1st March 1864.

BREVET.

The following promotion to take place in Her Majesty's Indian Military Forces, consequent on the death of Major General Robert Thorpe, Madras Infantry, on 17th January 1864 :—

Colonel William Couperus Macleod, Madras Infantry, to be Major General, dated 18th January 1864.

The undermentioned Officers, who have retired upon full pay, to have a step of honorary rank, as follows :—

Lieutenant Colonel Alexander Stephenson Findlay, Madras Infantry, to be Colonel, dated 1st March 1864.

Major William Frederick Newton Wallace, Bengal Infantry, to be Lieutenant Colonel, dated 1st March 1864.

Captain William Robert Wallace, Bengal Infantry, to be Major, dated 1st March 1864.

Deputy Inspector General of Hospitals John Lovell, to be Inspector General of Hospitals, dated 1st March 1864.

INDIA OFFICE,
17th February 1864.

Note.—The date of rank of the Officers of Her Majesty's Indian Forces promoted in succession to Lieutenant General Marrett, deceased, in London Gazette* of 7th August 1863, is 6th, and not 16th September 1862, as therein stated.

* G. G. O. No. 611 of 1863.

H. W. NORMAN, *Colonel,*
Secy. to the Govt. of India.

ADVERTISEMENTS.

DELHI RAILWAY.

TO CONTRACTORS.

Tenders will be received by the undersigned up to the 30th April next for the construction of the Railway embankment, the brickwork in Bridges and Culverts, and the supply of Ballast, the latter to be of broken bricks, stone, or good clean kunkur, for a length of 58 miles of the line, commencing at the 90th mile from Umballa and terminating at the junction with the East Indian Railway at Ghazeeabad near the River Hindun.

The Company does not bind itself to accept the lowest or any tender, and the usual security for the proper fulfilment of the contract will be required.

Specifications and other information may be obtained on application to the Company's Chief Engineer in Lahore.

AGENT'S OFFICE,
Lahore, 17th March 1864.

RICHD. W. STEVENS,
Agent.

NOTICE.

Will be published in the early part of April, under the authority of Government, "a Companion to the Civil Pay Master's Manual," containing a collection of revised Rules applicable to Military Officers in Civil employ, and the new Rules for Leave, Pension, &c., to Uncovenanted Officers, with Appendices.

Price, Rs. 3 a copy, with 2 annas additional for postage to out-station subscribers.

Applications to be addressed to the compiler, Mr. G. W. Bagley, Chief Assistant to the Civil Pay Master, North-Western Provinces, at Allahabad.

NOTICE.

Mr. John Christian is authorized to sign our Firm per procuration.

MONGHYR,
6th April 1864.

H. DEAR & CO.

WANTED.

Wanted, for the West Berar Suddur Treasury, a Treasurer. Pay Rupees (100) one hundred per mensem. Cash or Government Paper Security to the extent of Rupees (25,000) twenty-five thousand will be required, and a knowledge of Mahratta is indispensable.

Applications, with certificates of character, to be made to the Deputy Commissioner, West Berar, Akolah.

J. T. BUSHBY,
Assistant Commissioner,
in Charge, West Berar.

DEPUTY COMMISSIONER'S OFFICE,
Akolah, 21st March 1864.

BANK OF BENGAL.

Notification.—It is hereby notified that as the present Capital of the Bank is insufficient to meet its requirements, in consequence of the increase of business, principally arising from the establishment of Branches subordinate to the Bank in various parts of the Bengal Presidency, the Directors have determined, under the authority vested in them by Section 6, Act IV of 1862, to increase the Capital from one crore, nine lakhs, ninety thousand, nine hundred and nine Rupees, to two crores and twenty lakhs, by the issue of new Shares or consolidated Stock, under the following conditions :—

1st.—Holders of old Shares will be entitled to claim new Shares at par, in the proportion of one Share for every Share of which they may be registered as Proprietors in the Books of the Bank. Registered Proprietors of consolidated Stock will, in like manner, be entitled to an equivalent amount of new Stock at par.

2nd.—Holders of Shares or Stock, whether in India or elsewhere, shall be allowed, to the 15th day of August 1864, to claim the new issue. All Shares or Stock not claimed by the said date shall be at the disposal of the Directors, who shall cause the same to be sold for the benefit of the Bank, in such manner and at such times as they may deem expedient.

3rd.—Payments in one sum of the amount of Subscription on any whole, half, or quarter Share or Stock, to which any Proprietor may be entitled under this Notification, may be made at any time after the publication thereof. On all such payments prior to the 30th June next, interest will be allowed, at the rate of 8 per cent. per annum, from date of payment to the 30th June; and the Shares or Stock so paid up shall, thenceforward, be entitled to dividend. On all payments made subsequent to the 30th June, interest will similarly be allowed (at the rate of 8 per cent.) until the 31st December following, from which date the Shares or Stock so paid up shall, in like manner, become entitled to dividend.

4th.—The Transfer Books will be closed from the 16th to the 31st of August 1864, inclusive. All Shares or Stock previously subscribed for, but on which the full amount of Capital shall not be paid by the last mentioned date, will lapse to the Bank and will be at the disposal of the Directors, as provided in Clause 2.

By Order of the Directors,
C. N. COOKE,
Offg. Secretary and Treasurer.
12th March 1864.

THE GAZETTE OF INDIA.

During the absence from Calcutta of the Members of the Government of India, or until further orders, the *Gazette of India* will be published at Simla. All communications, therefore, regarding the *Gazette* should be addressed to that Station.

BENGAL ARMY LIST.

The printing of No. VIII of the *Bengal Official Quarterly Army List*, corrected in the office of the Adjutant General up to the 1st of April 1864, has been commenced, and the volume will be ready about the 10th of May. Price five Rupees *in advance*, and eight annas extra if sent by post.

This No. will contain a Table of Staff Appointments and Allowances, and the Civil Service List.

Although a larger number of copies than usual were printed of No. VII, several of the later applicants could not be supplied. Early application should therefore be made to

CALCUTTA,
6, *Rankshall Street*,
22*nd April* 1864.

O. T. CUTTER,
Publisher of the Bengal Official Army List.

Just Published,

SELECTIONS

FROM

CALCUTTA GAZETTES

OF THE YEARS

1784, 1785, 1786, 1787, and 1788,

SHOWING THE POLITICAL AND SOCIAL CONDITION OF THE ENGLISH IN INDIA

EIGHTY YEARS AGO.

BY W. S. SETON-KARR, C. S.,

PRESIDENT OF THE RECORD COMMISSION.

Price with Map, 3 Rs. per copy.

Apply to O. T. CUTTER,
Military Orphan Press.

POSTAL NOTICE.

The Public are hereby informed that, under an arrangement made by Her Majesty's Post Master General, letters posted in India for Nicaragua will, if marked viâ Southampton, be liable to the following rates of postage :—

	Rs.	A.	P.
Letters not exceeding ½ oz. -	0	11	4
Ditto exceeding ½ oz. and not exceeding 1 oz. - - -	1	6	8
Ditto above 1 oz. and not exceeding 2 oz. - - -	2	13	4
Ditto above 2 oz. and not exceeding 3 oz. - - -	4	4	0

and so on, adding Re. 1-6-8 for each ounce or fraction of an ounce.

Letters for Nicaragua, when sent viâ Marseilles, are liable to the additional French transit rate of 2 annas 8 pie per ½ oz.

A. M. MONTEATH,
In charge of the Office of Dir. Genl. of the Post Office of India.

CALCUTTA,
7*th April* 1864.

MEMOIRS

OF THE

Recently published, and for sale at the Military Orphan Press.

GEOLOGICAL SURVEY OF INDIA.

VOL. I. PART I. Roy. 8vo. pp. 98, 3 Plates and 9 page Illustrations. Price 2 Rs. cloth.

Contents.—The Coal and Iron of Cuttack, by THOMAS OLDHAM, Superintendent of Geological Survey.
The Structure and Relations of the Talcheer Coal Field, by Messrs. BLANFORD and THEOBALD.
Gold deposits in UPPER ASSAM.
Gold and Gold-dust from SHUE GWEEN.

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VOL. I. PART III. pp. 80, large Map, 3 Plates of Fossils, &c. Price 2 Rs. 4 ans. With this part are issued Title Page, Index, &c., for Volume I.

Contents.—The Geology of Bancoorah, Midnapore, and Orissa, Bengal.
Note on the Laterite of Orissa, by W. T. BLANFORD, Geological Survey.
Fossil Fish Teeth (CERATODUS), by T. OLDHAM, Superintendent of Geological Survey.

VOL. I. *Complete; Cloth, lettered. Price* 7 *Rs.* 8 *as.*

VOL. II. PART I. Report on the Vindhyan Rocks, and their Associates in BUNDELCUND, by HENRY B. MEDLICOTT, Professor of Geology in Roorki College. pp. 96, with large Map and Sections. Price 3 Rs. cloth.

VOL. II. PART II. pp. 250, two large Maps, 1 Plate, and 22 Wood-cuts. With this part are issued Title Page, Index, &c., for Volume II. Price 8 Rs.

Contents.—The Geological Structure of the Central portion of the Nerbudda district, by JOS. G. MEDLICOTT, Geological Survey.
The Tertiary and Alluvial deposits of the Nerbudda Valley, by WM. THEOBALD, JUNR., Geological Survey.
The Geological relations and probable Geological age of the several groups of rocks in Central India and Bengal, by T. OLDHAM, Superintendent of Geological Survey.

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VOL. III. PART I. Report on the Raniganj Coal Field, by WM. T. BLANFORD, F. G. S.
Additional Remarks on the Geological age of Indian Rock-systems, by T. OLDHAM, F. G. S.
Indian Mineral Statistics, 1. COAL.
pp. 230. with large Map of Coal-field: and Illustrations. Price 4 Rs.

Also, just published.

VOL. I. Royal 4to. 25 Plates, Tinted Lithography, with full letter-press Descriptions. Price, 7 Rs. 8 Ans (15*s.*)
Palæontologia Indica, 1st Series. The Fossil Cephalopoda of the Cretaceous Rocks of South India, (Belemnitidæ-Nautilidæ,) by HENRY F. BLANFORD, Geological Survey of India.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 15.

SUPPLEMENT TO

The Gazette of India.

SATURDAY, APRIL 23, 1864.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

PUBLIC WORKS DEPARTMENT.

Opening of the Line from Mirzapore to the Right Bank of the Jumna at Allahabad.

The Deputy Agent, East Indian Railway, having, in his letter No. 941, dated 17th instant, invited official inspection of the above Section of the Line, I went over it on the 22nd instant, accompanied by the Chief Engineer.

The Tonse Bridge was carefully examined and tested on the 23rd. It was tested with both a standing and running load, and stood the test most satisfactorily. With a running load of two full sized Engines and Tenders coupled together drawing 10 trucks loaded to 12 Tons each at a speed of 17 miles an hour, the greatest deflection was a little under ⅝ths of an inch, and the oscillation under ⅛th. It was not advisable to test at a greater speed, because the "guard blocks" have still to be put in, and I recommend therefore that until these are in, the speed over the bridge be limited to 15 miles an hour.

As time presses, I have given the Deputy Agent permission to open the Line on the 1st proximo on the following conditions that the Chief Engineer shall previously certify :—

1*st.*—That the Station and distant signal posts have been erected, and are in working order; some of these are still wanting.

2*nd.*—That the necessary points and sidings have been put in; some of these also are still wanting.

3*rd.*—That such of the level crossings as have not yet been provided with gates and keepers, shall be provided with temporary fencing and keepers before the 1st proximo.

4*th.*—That sufficient watering arrangements have been made at the following places :—

Gaepoorah, Sirsa, and Nynee.

At the intermediate 3rd Class Stations, viz., Newaei and Rampoor, the well excavations having just commenced, it is impossible therefore that they can be ready by the 1st proximo; but if the Engines can water at the three first-named places, it will suffice to enable the line to be opened.

5*th.*—That the fencing throughout has been made thoroughly efficient, and that the gaps still existing have been filled up.

6*th.*—That the Telegraph is in working order at each Station at Gaepoorah, Newaei, and Rampoor. There are temporary structures of mat walls and thatched roofs for Station Masters and Telegraph Signallers, but as yet these officials and the necessary furniture and instruments are wanting.

7*th.*—That the Deputy Agent shall previously certify that the Steam Ferry arrangements over the Jumna are complete.

8*th.*—That the speed over the Tonse Bridge is for the present limited to 15 miles an hour, and that the departure of the Trains from Mirzapore and Jumna are so timed, that not any of them shall cross the Bridge during the night. This restriction to remain in force until a report has been received that the guard blocks have been put in, and the road over the Bridge thoroughly completed.

(Sd.) H. DRUMMOND, *Major*, R. E.
Cons. Engr. to Govt. N. W. P.

ALLAHABAD,
24*th Feb.* 1864.

Plate-laying in the Mirzapore and Delhi Districts.

MIRZAPORE DISTRICT.

Progress Report of Plate-laying, dated 29th February 1864.

Station.	Total distance.	Linked in.	Completed.	REMARKS.
	Miles.	Miles.	Miles.	
Mogulserai Junction to Ahrowra Road	8·71	8·71	8·71	
Ahrowra Road to Chunar	11·31	11·31	11·31	
Chunar to Paharee	9·53	9·53	9·53	
Paharee to Mirzapore	9·85	9·85	9·85	
Mirzapore to Gaepoora	11·80	11·80	11·80	
Gaepoora to Nawaee	9·41	9·41	9·41	
Nawaee to Sirsa Road	10·66	10·66	10·66	
Sirsa Road to Kirchunna	12·52	12·52	12·52	
Kirchunna to River Jumna	8·45	8·45	8·45	
Total ...	92·24	92·24	92·24	
Sidings ...	9·26	8·30	7·90	
Grand Total ...	101·50	100·54	100·14	

G. SIBLEY,

Chief Engineer.

DELHI DISTRICT.

Progress Report of Plate-laying, dated 29th February 1864.

Station.	Total distance.	Linked in.	Completed.	REMARKS.
	Miles.	Miles.	Miles.	
End of Agra District to Allyghur Station	3·79	3·79	3·79	
Allyghur to Somna	13·68	13·68	13·68	
Somna to Koorjah	13·24	13·24	13·24	
Koorjah to Bolundshuhur Road	8·87	8·87	8·87	
Bolundshuhur Road to Secundrabad	8·68	8·68	8·68	
Secundrabad to Dadree	11·10	11·10	10·84	
Dadree to Gazeeoodeennuggur Junction	10·17	·32		
Gazeeoodeennuggur Junction to Delhi Terminus ...	12·55			
Total ...	82·08	59·68	59·10	
Sidings ...	12·92	4·46	4·46	
Grand Total ...	95·00	64·46	63·56	

G. SIBLEY,

Chief Engineer.

Government of Fort St. George.

Chinchona Operations on the Neilgherries.

Report on the Number, Distribution, and Condition of Chinchona Plants on the Neilgherries, on the 29th February 1864.

Species.	Botanical Names.	Commercial Names.	No. of Plants.	Value per lb. of Dry Bark in the London Market.	REMARKS.
				s. d. s. d.	
1	C. Succirubra ...	Red Bark ...	94,547	2 6 to 8 9	The number of plants permanently planted out remain as formerly, viz., 66,622.
2	C. Calisaya ...	Yellow Bark ...	1,841	2 10 to 7 0	
3	C. Officinalis Var Condaminea (C. Uritusinga)	Original Loxa Bark ...	6,744	2 10 to 7 0	The increase by propagation during the month is 32,408, being 13,864 plants above the average results of the last six months, making the total number of plants at the end of the month 3,22,315.
4	Do. Var Bonplandiana (C. Chahuarguera)	Select Crown Bark ...	1,92,339	2 10 to 7 0	
5	C. Crespilla ...	Fine Grey Bark ...	1,620	2 10 to 6 0	
6	C. Lancifolia ...	Pitayo Bark ...	6	1 8 to 2 10	
7	C. Nitida	Genuine Grey Bark ...	8,419	1 8 to 2 9	
8	C. Species without name	Fine Bark ...	2,760	1 8 to 2 10	
9	C. Micrantha ...	Grey Bark ...	10,450	1 8 to 2 9	
10	C. Peruviana... ...	Finest Grey Bark ...	3,164	1 8 to 2 10	
11	C. Pahudiana ...	Unknown ...	425	Worthless.	
		Total number of plants	3,22,315		

TABLE II.

Memorandum of the growth of eleven Plants of C. Succirubra, planted on the 2nd Denison Plantation, at Neddivuttum, on the 30th August 1862.

No. of Plants.	Height in inches when planted on the 30th August 1862.	Height in inches on the 31st January 1864.	Height in inches on the 29th February 1864.	Growth in inches during February 1864.	By whom planted.	REMARKS.
No. 1	23	94	94	0	His Excellency Sir William Denison.	Table II exhibits the growth of eleven plants planted out by His Excellency the Governor and other gentlemen at Neddivuttum, on the 30th August 1862. The average growth of these plants during the month is about ¼ inch or ¾ inch under the average growth of last month.
„ 2	16½	86	87	1		
„ 3	19	82	82	0		
„ 4	15	87	87¾	¾		
„ 5	27	102	102½	½		
„ 6	20	74	74	0		
No. 7	20	91	91	0	J. W. Breeks, Esq.	
„ 8	18	90	90	0	Dr. Sanderson.	
„ 9	20	89	89	0	J. D. Sim, Esq.	
„ 10	20	96	97	1	Lieutenant McLeod.	
„ 11	18	87	87	0	P. Grant, Esq.	
„ 12	0	28	30	2	Plant cut down for bark.	

TABLE III.

Showing the height of twelve plants of C. Officinalis planted on the Dodabetta Plantations at Ootacamund, on the 30th September 1863.

No. of Plants.	Height in inches when planted on the 30th September 1863.	Height in inches on the 31st January 1864.	Height in inches on the 29th February 1864.	Growth in inches during February 1864.	REMARKS.
No. 1	19	31½	34½	3	One of the two plants (that uninjured by the frost) cut down on the 20th of March last, for the bark submitted to Mr. Howard for analysis, has made strong shoots of 30 inches in height, giving an average growth during the month of 2 inches or 5 inches under the growth of last month.
„ 2	14½	25	28	3	
„ 3	28	44½	46	1½	
„ 4	22	33	37	4	
„ 5	21½	31½	35	3½	
„ 6	28	40½	46	5½	
„ 7	22½	32½	35	2½	
„ 8	21½	35	38	3	
„ 9	21½	35½	40	4½	
„ 10	19½	32½	37	4½	
„ 11	24	34½	38	3½	
„ 12	24	32½	36	3½	

TABLE IV.

Memorandum of Chinchona Plants distributed.

Names.	Station.	No. of Plants.	REMARKS.
Mr. F. N. Maltby	Travancore ...	16	The twelve plants of Chinchona Officinalis (a shrubby species) on the Dodabetta Plantations gives an average growth of 3½ inches during the month, or ½ an inch above the growth of last month.
Dr. Junghun	Java ...	56	
Mr. A. R. Lascelles ...	Ootacamund ...	12	
Mr. M. Anderson	Jamaica ...	2	
Dr. Wiehe	Bombay ...	10	The number of plants issued to the public is 1,700, making the total number of plants distributed 10,825.
Dr. T. Anderson	Calcutta ...	554	
Dr. Jamieson	Saharanpore ...	107	
Professor Lees	Calcutta ...	547	
Rajah of	Travancore ...	521	The strong and dry winds which prevailed almost continuously throughout the month at Neddivuttum has retarded the growth of the plants as effectually as the cold weather in January. The increase in temperature however which took place towards the end of the month has proved highly beneficial to our propagating operations.
Major Morgan	Ootacamund ...	216	
Mr. E. T. Fitzgerald ...	Calcutta ...	405	
Mr. J. W. Money	Ditto ...	581	
Dr. W. Bourne	Ditto ...	532	
Captain Cox	Wainad ...	6	
Mr. Hallock	Ditto ...	2	
Mr. T. Sheffield	Ootacamund ..	12	
Dr. F. Day	Cochin ...	100	
Mr. Brown	Tellicherry ...	12	
Mr. J. Hall	Ootacamund ...	144	
Mr. J. Knop	Ditto ...	18	
Captain Lees	Bengal ...	281	
Mr. W. H. Rayne	Manantoddy ...	24	
Reverend Sawyer	Ootacamund ..	18	
Mr. Frend	Ditto ..	12	
Mr. Hallock	Ditto ...	1	
Mr. Perie	Seegoor ...	12	
Colonel Scott	Ootacamund ...	212	
Mr. F. Berend	Cachar ...	275	
Reverend J. Hunter ...	Coonoor ...	12	
Mr. J. Mullaly	Ditto ...	24	
Mr. W. H. Stanes	Ditto ...	12	
Col. R. Cooper	Kotagherry ...	12	
Mr. F. Cockburn	Ditto ...	12	
Colonel Woodfall	Coonoor ...	12	
Mr. C. Anderson	Ditto ...	24	
Colonel Angelo	Ootacamund ...	12	
Reverend E. Laseron .	Ditto ...	12	
Captain R. N. Taylor ...	Coorg ...	96	
Major W. Agnew	Assam ...	139	
Mr. V. H. Levinge ...	Madura ...	12	
Chief Commissioner ...	Nagpore ...	28	
Mr. Fletcher	Ootacamund ...	24	
Gool Mahomed	Ditto ...	20	
General McCleverty ...	New Zealand ...	23	
Mr. W. Robinson	Kotagherry ...	6	
Mr. Crake	Wainad ...	12	
Mr. H. R. Dawson... ...	Seegoor ..	12	
Captain Mann	Coorg ...	48	
Mr. E. Roberts	Ootacamund ...	6	
Mr. H. Russall	Wainad ...	12	
Reverend Wait	Coonoor ...	2	
Mr. H. de Facien	Katary ...	5,189	
Collector of	Belgaum ...	28	
Collector of	Honore ...	28	
Dr. Ross	Ditto ...	15	
His Excellency the Governor of	Bombay ...	158	
Mr. A. Hinde	Wainad ...	12	
Mr. E. B. Thomas	Coonoor ...	12	
Rajah of	Poonganoor ...	12	
Messrs. Thomson Shaw & Co. ...	Ditto ...	28	
Mr. T. H. Trinson	Ditto ...	31	
Dr. Miller	Melbourne ...	28	
Mr. Tyrrell	Mysore ...	12	
Dr. Sayer	Vellore ...	12	
	Total No. of plants	10,825	

OOTACAMUND, 8th March 1864.

(Signed) W. G. McIVOR,
Supdt. Govt. Chinchona Plantations.

Government of Bombay.

WEATHER REPORTS.

Report of the general character and prospects of the Season 1863-64, *in the Collectorate of Poona.*

Talookas.	State of Weather and Crops.	State of Public Health.	Quantity of rain by Pluviameter.		
			Stations.	In.	Cts.
Sewnere ...	The fall of rain during the past season has been unpropitious and partial in this Zillah, as will appear from the Register in the last column of this Statement. However, with the exception of Indapoor and Bheemthurry and some few of the Eastern villages in the Poorundhur Talooka, the fall of rain in the other Talookas of this Collectorate has been sufficiently seasonable to enable the Ryots to carry on Agricultural operations to a limited extent.	At present, with the exception of the city of Poona, in which there has been an out-break of cholera, the health of the districts good.	Joonere ...	16	63
			Bramunwarra	23	76
			Pabul ...	16	67
			Kheir ...	15	40
			Ghorey ...	14	63
			Khurkalla ..	95	12½
			Pour ...	56	45
Pabul ...			Civil Hospital, Poona ...	21	0
			Sassoor ...	1	87
			Soopa ...	5	26
			Kullus ...	3	11
			Patus ...	9	87
Kheir ...					
Mawul ...	In Indapoor and Bheemthurry there was no rain whatever up to the end of August, and the slight showers that fell after this in these two Talookas and the Eastern villages of Poorundhur were quite insufficient to enable the cultivators to sow their lands; in those few villages where showers fell and the land was sown, the young plants in many cases dried up for want of moisture, though not a total failure throughout these two Talookas, the prospects of the season are extremely bad. There is no grass or fodder for cattle, and the District Officers report that the villagers in many places have left and are leaving with their cattle.				
Haveilly ...					
Poorundhur ...					
Indapoor ...					
Bheemthurry	On the whole, the general state of the crops and prospects of the season for the whole Zillah are unfavourable.				

POONA COLLECTOR'S OFFICE;
CAMP CHINCHORE,
The 13*th January* 1864.

H. MORGAN,
Collector.

No. 19 *of* 1864.

Report of the general character and prospects of the Season 1863-64, *in the Collectorate of Dharwar.*

Talookas.	State of the Weather and Crops.	State of Public Health.	Quantity of rain by Pluviameter.
Dharwar ...	The fall of rain was very much below the average, and besides being deficient, was unseasonable. Rice is estimated at 8 annas, as also jowaree and sugar-cane; of the late crops, wheat, gram, and cotton, are all estimated at 8 annas.	The season, on the whole, was not very healthy, fever and ague being prevalent here and there, and 265 people having died of cholera as well.	21 inches and 2 cents at Dharwar, and 29 inches and 20 cents at Moogud.
Hooblee ...	Rain, ditto ditto; of the early crops, rice and jowaree are estimated at 6 annas, and sugar-cane at 1 anna. Of the the late crops, wheat and gram are estimated at 4 annas, jowaree at 2, and cotton at 8 annas.	Ditto ditto, 111 people died of cholera.	12 inches and 38 cents at Hooblee.
Raneebednore	Rain, ditto ditto; of the early crops, jowaree is estimated at 3 annas, rice at 4, and sugar-cane at 8 annas. Of the late crops, gram and jowaree are estimated at 2 annas, wheat at 4, and cotton at 6 annas.	Ditto ditto, 36 people died of cholera.	9 inches and 67 cents at Raneebednore.
Kurujgy ...	Rain, ditto ditto; of the early crops, jowaree is estimated at 4 annas, rice at 6, and sugar-cane at one Rupee; of the late crops, wheat, gram, and jowaree, are estimated at 8 annas, and cotton at 6 annas.	Ditto ditto, 28 people died of cholera.	13 inches and 22 cents at Kurujgy.
Kulgutgy ...	Rain, ditto ditto; of the early crops, jowaree and sugar-cane are estimated at 10 annas, and rice at 8; of the late crops, wheat and gram are estimated at 8 annas, and cotton at 14 annas.	Ditto ditto, 107 people died of cholera.	15 inches and 81 cents at Misreekote.
Roan	Rain, ditto ditto; of the early crops, jowaree is estimated at 10 annas, and sugar-cane at 8; of the late crops, wheat, gram, jowaree, and cotton, are estimated at 6 annas.	Season in general healthy.	18 inches and 66 cents at Roan.
Nowlgoond ...	Rain, ditto ditto; of the early crops, jowaree is estimated at 1 anna; of the late crops, wheat is estimated at 2 annas, jowaree at 1, cotton at 6, and gram at half-an-anna.	Season was on the whole not very healthy, fever and ague were prevalent more or less throughout the Talook, and 42 people died of cholera as well.	8 inches and 69 cents at Nowlgoond, and 9 inches and 30 cents at Nurgoond.

Report of the general character and prospects of the Season, 1863-64, *in the Collectorate of Dharwar,—(continued.)*

Talookas.	State of the Weather and Crops.	State of Public Health.	Quantity of rain by Pluviameter.
Bunkapoor —	The fall of rain was very much below the average, and besides being deficient, was unseasonable. Of the early crops, rice and sugar-cane are estimated at 8 annas, and jowaree at ten; of the late crops, wheat is estimated at 14 annas, gram at 8, and cotton at 12 annas.	Season was on the whole not very healthy, fever and ague were prevalent more or less throughout the Talook, and 80 people died of cholera, and 82 cattle of disease.	17 inches and 80 cents at Seegaum.
Hangul —	Rain ditto ditto; of the early crops, sugar-cane and jowaree are estimated at 4 annas, and rice at 6; of the late crops cotton is estimated at 8 annas.	Ditto ditto, 8 people died of cholera.	25 inches and 94 cents at Hangul.
Kode — —	Rain ditto ditto; of the early crops, rice is estimated at 3 annas, jowaree at 5, and sugar-cane at 4 annas; of the late crops, wheat and gram are estimated at 5 annas, and cotton at 6 annas.	Unhealthy; fever and ague prevailed throughout the Talook, and cholera to a slight extent—112 people died of cholera, and 163 cattle of disease.	15 inches and 81 cents at Rutteehully.
Dumbul —	Rain ditto ditto; of the early crops, rice is estimated at 4 annas, sugar-cane at 12, and jowaree at 6 annas; of the late ones, wheat, gram, and jowaree are estimated at 4 annas, and cotton at 6 annas.	Tolerably healthy, excepting the months of August, September, October, and November, when cholera prevailed here and there, and 192 people died of it.	10 inches and 43 cents at Gudug, and 11 inches and 37 cents at Dumbul.

DHARWAR COLLECTOR'S OFFICE,
The 5th January 1864.

L. REID,
Acting Collector.

The Hon'ble Rustomjee Jamsetjee Jeejeebhoy's offer of Rs. 1,50,000 for Educational purposes.

From the HON'BLE RUSTOMJEE JAMSETJEE JEEJEEBHOY to the HON'BLE A. D. ROBERTSON, Chief Secy. to Govt., Bombay,—dated 23rd March 1864.

Having for some time past had in view the advisability of placing facilities in the way of Natives and East Indians of this Presidency improving themselves in various branches of the Fine Arts, I asked the Director of Public Instruction to do me the favor to draw up a scheme in consonance with my views on this subject.

2. I have now the honor to hand you, for the information of His Excellency the Governor in Council, a Memorandum prepared by Mr. E. I. Howard, for which I beg to express my best thanks to that gentleman.

3. It will be seen from this Memorandum that six different branches of Art-instruction are therein proposed; and I am prepared to place ultimately in the hands of Government, for the purpose of carrying out the details of this scheme, the sum of Rupees (1,50,000) one hundred and fifty thousand.

4. In making this offer, however, I propose that Government should not carry out the whole scheme at once, but take up two of the subjects at a time, and see how the experiment succeeds. If proved to be successful, the remaining subjects can hereafter be taken up by degrees, until the whole scheme has been completed.

5. To enable Government to commence operations experimentally, I propose to pay at once one-half of the proffered amount, viz., Rupees (75,000) seventy-five thousand, and should the results of these experimental operations be satisfactory, and be appreciated by the Native community generally, the remaining subjects mentioned in the proposed scheme can be taken up, and I shall then be prepared to pay the remaining Rupees (75,000) seventy-five thousand, in completion of my offer.

6. It is to be understood that I make this offer to Government with the view of extending the usefulness of the "Sir Jamsetjee Jeejeebhoy School of Arts," which is already established in Bombay; and I would suggest, therefore, that the Committee of that School should be consulted by Government in respect to the details of my scheme.

7. My principal reason for proposing that the scheme should, for the present, be only partially entered on, is in view of the very deficient house accommodation which the School of Art has at present at its disposal for imparting the requisite instruction in so many branches of the Fine Arts at once, and the necessity, therefore, of doing this by degrees.

8. Trusting that His Excellency the Governor in Council will approve of the scheme now laid before Government, and be pleased to accept the offer which I have made for the purpose of carrying it out.

MEMORANDUM.

My friend the Honorable Mr. Rustomjee Jamsetjee Jeejeebhoy has requested me to draw up a scheme for the education of Native Indian pupils in various branches of Fine Art at his expense.

I am much interested in this subject, and have devoted a good deal of thought to it. The present seems to me exactly the time when some scheme of the kind can be brought forward with success. For there is much wealth lately come into Bombay; a disposition to employ Art in the decoration of houses and public buildings is manifesting itself; the School of Art, which is about to build a set of class-rooms and gallery, has taught to a considerable number of pupils the elements of drawing, decorative composition and colour; and finally, there are many important public buildings in various stages of progress for which artistic fittings will be required as well as easel-pictures, statues, and busts.

The present means of Art-instruction in Bombay comprise a drawing-master trained in the Central School of Design, London, another teacher (M. Schaumburg) who takesthe special subject of water-colour drawing, and a teacher of Architectural Design (Mr. Trubshawe) of experience and great ability.

The branches of Art for which instruction may be usefully provided are (I think)—

1. *Painting*—
   (*a.*) Portraits in oil.
   (*b.*) Fresco, encaustic, &c., for mural decoration.
2. *Sculpture*—
   (*a.*) Busts, statues.
   (*b.*) Architectural carving.
3. *Glass staining* and painting.
4. *Decorative metal work* (brass, iron, bronze, silver.)

It will be seen that some of these branches of Art involve industrial processes or trades. Our modern Fine Arts in Europe arose, as is well known, from industrial employments, as painting from book-decoration, sculpture from church-decoration, armourer's and goldsmith's work, &c., &c. I am of opinion, after considerable study, that the same course must be looked for in India, and that if we are ever to have native painters and sculptors of real value, we shall get them from the ranks of mechanics, whose practical aptitude has been extended and improved by education.

6. For this reason I would strongly recommend the engagement of persons from England to practise and teach the *applications* of Fine Arts as well as simple painting and sculpture. And I would for the present entirely omit what is called "High" or poetical Art, for which we are not ripe.

1. (*a.*) I would engage a young portrait painter of genuine ability, for 3 years, on a small salary (say Rupees 300 a month) and with a certain number of guaranteed commissions, on the condition that he will admit twelve students into his atélier, and give them the same amount of instruction that French painters do to their pupils. An airy and properly lighted painting-room must be found him, with an adjoining large room for pupils.

He may be guaranteed twelve commissions by the Honorable Mr. Rustomjee for full length portraits at Rupees 3,500 each, total Rupees 42,000, (to be taken up by himself and his friends).

(*b.*) A gentleman thoroughly acquainted with the processes of fresco, distemper, encaustic, &c., may be engaged for say six months, at a salary of Rupees 1,000, to teach these methods to a class of twelve persons, among whom, no doubt, Mr. Terry, M. Schaumburg, and other Europeans would gladly enter themselves. This artist should also be guaranteed two or three commissions to decorate houses, sufficient to give him, on his return to England, Rupees 5,000 in his pocket.

I may here state that the gentleman who is decorating Sir Jamsetjee's house at Mazagon is failing, not from want of taste or artistic skill, but from ignorance of practical processes.

2. (*a.*) I would engage a sculptor on similar terms with the portrait painter (say a salary of Rupees 300 and guaranteed commissions for 6 busts, 6 bas-reliefs, and 6 statues). All his modelling to be executed in Bombay, and also at least specimen bust, bas-relief, and statue to be finished in marble.

(*b.*) The sculptor should bring with him one Italian Assistant, skilled in casting in plaster, and also one English Assistant accustomed to execute architectural carving. These men probably would be obtainable at Rupees 200 and Rupees 300, respectively. The latter should be placed at Mr. Trubshawe's disposal; he will fully earn his pay. The Italian Assistant should be paid out of the commissions given to the sculptor, but probably he may be worth Rs. 50 in the School of Art as a teacher of ornamental modelling in clay, casting, &c. This would reduce his salary to be provided by Mr. Rustomjee to Rs. 150, which might be added to the sculptor's salary on condition of his bringing out a qualified Assistant. Pupils may be apprenticed to each of these Assistants.

3. There is no application of Fine Art which is more likely to succeed in India than glass-painting. For this we require an artist to make the designs (cartoons) and paint them on glass (the latter work is mere copying) and a workman thoroughly versed in the art of "firing" or burning the glass so as to produce the proper colours. The man who paints the glass picture also understands the system of cutting and leading.

I would engage a glass painter for a year to teach the various branches of his art while he executes a set of glass pictures for public and private buildings, (the *designs* for which may be supplied by himself and others). A salary of Rupees 200 a month would probably procure a competent person, together with commissions for windows.

He should be accompanied by an experienced burner, salary perhaps Rupees 200. The latter would (I doubt not) remain in Bombay, and carry on the business of a glass stainer. Premises must be provided, an atélier for painting, and a furnace for burning, besides a small work-shop for cutting and leading. Native pupils and artizans would very soon acquire this kind of work.

4. I would hold out inducement to a superior artizan, a working iron and brass smith, who has been employed in decorative work in an establishment like that of Potter's, the Coal Rodedale Company, or the firm founded by the late Mr. Pexin at Birmingham. It would be sufficient to pay his passage out, guarantee him employment at a certain salary, and send him home again. He should be required to take apprentices, whose fees Mr. Rustomjee should pay.

It would be necessary in all cases to guarantee a certain income during the time of pupillage or apprenticeship to all young men under training. Liberality is here desirable.

To resume. Proper premises must be provided in connexion with the School of Art for all the teachers. Part of the required premises may be mere temporary buildings. They should be complete before the arrival of the teachers.

Enquiries may be at once set on foot in England for proper persons to teach the several required branches of Art, and negotiations opened for their engagement.

Enquiries may also be made in Bombay for pupils sufficiently trained in drawing to be able to take advantage of artistic instruction and of mechanics suited for apprenticeship.

After a course of instruction in Bombay, some select students may be sent to England to complete their education.

(Sd.) E. I. HOWARD,
Director of Public Instruction.

20*th March* 1864.

Rough Estimate.

		Portrait painter—passage -	£	150
		Salary, £30 per month, for 3 years	,,	1,080
		Allowance for 12 students at £2 per month - -	,,	864
	b.	Teacher of fresco, &c.—passage	,,	150
		Salary, £100 for 6 months -	,,	600
		Passage home - -	,,	150
2.	*a*	Sculptor—passage - -	,,	150
		Salary for 3 years, at £30 per month - -	,,	1,080
		Allowance for 12 students, at £2 per month - -	,,	864
	b.	Italian Assistant—passage -	,,	100
		Salary, £15, for 3 years -	,,	540
		English Assistant—passage -	,,	100
		Allowance for 12 apprentices, at £2, for 3 years - -	,,	864
3.		Glass painter—passages -	,,	100
		Salary, at £20, for 1 year -	,,	240
		6 pupils, at £2 per month -	,,	144
		Firer—passages -	,,	200
		Salary, at £20, for 1 year -	,,	240
		6 apprentices, at £2 -	,,	144
		Metal worker—passages -	,,	200
		Fees for 6 apprentices -	,,	288
		Allowances to ditto -	,,	288
			£	8,736
Building . -			,,	2,000
			£	10,736
Margin at 10 per cent.			,,	1,073
			£	11,809

I omit the guarantee of *commissions*, as this will not be money out of pocket, or entail any expenditure without return.

From C. GONNE, Esq., Offg. Secy. to Govt., Bombay, to the Hon'ble RUSTOMJEE JAMSETJEE JEJEEBHOY,—(dated 28th March 1864.)

I have received and placed before His Excellency the Governor in Council your letter dated the 23rd instant, and its accompanying Memorandum by Mr. E. I. Howard, in which that Officer has drawn up a scheme for the education of the Native Indian Pupils in various branches of Fine Art at your expense.

2. His Excellency in Council has desired me, in acknowledging your noble offer to place in the hands of Government a sum of Rs. 1,50,000 for the purpose of carrying out the details of the above scheme, to state that Government accept the trust, and will communicate to you hereafter as to the best mode of carrying out your intention.

3. Government are of opinion that your proposed plan will act as a most effectual stimulus for promoting the objects of the "Sir Jamsetjee Jejeebhoy School of Art."

4. The Deputy Auditor and Accountant General will be requested to receive and fund the first instalment of Rs. 75,000 which you propose to pay at once.

5. The Committee of the "Sir Jamsetjee Jejeebhoy School of Art" will be consulted, as suggested in the 6th para. of your letter, and they will be requested to favor Government with suggestions in detail as to the best mode of giving practical effect to your munificent intentions.

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The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, FRIDAY, APRIL 29, 1864.

Home Department.

LEGISLATIVE.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor-General under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor-General of India for the purpose of making Laws and Regulations :—

THE

CODE OF CIVIL PROCEDURE.

ARRANGEMENT OF CHAPTERS AND SECTIONS.

1. Short Title.
2. Procedure in Civil suits to be regulated by this Code.
3. What parts of the Code regulate procedure in Courts of Small Causes.
4. Acts repealed.

CHAPTER I.

OF DEFINITIONS.

5. Interpretation.

CHAPTER II.

OF THE JURISDICTION OF THE COURTS.

6. Courts have cognizance of all suits unless specially barred.
7. Courts not to take cognizance of suits previously heard and determined.
8. Revision of judgments of the Courts.
9. No person excepted from jurisdiction by reason of place of birth or of descent.
10. Jurisdiction of Courts.
11. Court in which suit to be instituted.
12. Proceedings in case of suit being instituted in a Court other than that of the lowest grade competent to try it.
13. Transfer of suits.
14. High Court may order transfer of suits and appeals among Subordinate Courts.
15. Suit to include the whole claim. Relinquishment of part of claim.
16. Joinder of causes of action in the same suit.
17. Court may in certain cases order separate trials of such causes of action.
18. Claims for recovery of land and for mesne profits to be deemed distinct causes of action.
19. Suits for immoveable property situate within different jurisdictions of the same district.
20. Suits for immoveable property situate in different districts.
21. Suits for immoveable property situate in districts subject to different High Courts.
22. Suit for land situate on the borders of the local jurisdiction of the Court, and alleged by the defendant to be within another local jurisdiction.
Proviso.
23. Suits for specific performance.
24. Declaratory suit.

CHAPTER III.

GENERAL RULES.

25. Parties may appear in person, or by recognized agent, or by Advocate.
26. Recognized agents—
First.—Persons holding powers of attorney from absent persons.
Secondly.—Persons carrying on trade or business for absent persons.
Thirdly.—Persons authorized to act for Government.
Fourthly.—Persons specially appointed to prosecute a suit for any Sovereign Prince.
27. Court may allow females and males under bodily infirmity to appear by recognized agent.
28. Acts required to be done by a party to a suit in person, may be done by his recognized agent.
29. Service of notices, &c., on recognized agents.
30. Appearance may be by Advocate.
31. Appointment of Advocate.
32. Service of process on Advocates.
33. Service of process how to be made on a party who has not appointed an Advocate to act for him.
34. Who may be an agent to receive service. Appointment of such Agent to be in writing, and to be filed in Court.
35. Agent of Government.
36. Who to be deemed Government Advocate in any Court in which no person has been specially appointed.

37. Officers or Soldiers, who cannot obtain leave of absence, may authorize any person to appear for them.
38. The person so authorized may appear personally or appoint Advocate.
39. Service on person so authorized, or on Advocate, to be good service.
40. Exemption of certain women from personal appearance.
41. Government may exempt certain persons from personal appearance.
42. List of names of persons exempted to be kept in the District Court.
43. Service within limits of local jurisdiction of High Courts, of process issued by Courts without those limits.
44. Proof of due service and delivery of process transmitted through the post.
45. Process to be served at expense of party issuing it.
46. Summons Cost if not deposited by party to suit, how to be paid.
47. Court may order any document to be impounded.
48. When security is required, a deposit may be made instead.
49. Punishment for false verification of plaint, statement, &c.

CHAPTER IV.

Of a Suit till Decree.

Of the Institution of Suits.

50. Suits to be commenced by plaint containing certain particulars.
51. Plaint to be subscribed and verified.
52. If plaintiff by reason of absence be unable to subscribe and verify the plaint.
53. In suits by a Corporation or Company, a Director or Secretary may verify the plaint.
54. Court may reject plaint if it do not contain the required particulars, &c.
Amendment of plaint.
55. Plaint to be returned if the claim is beyond the jurisdiction of the Court.
56. Plaint to be rejected if improperly or insufficiently valued.
57. Plaint to be rejected if it appear to the Court that plaintiff has no cause of action, or that right of action is barred by lapse of time.
Amendment of plaint.
58. Plaint to be returned if it appear to the Court that it has not jurisdiction.
59. Suit against several defendants all of whom do not reside within jurisdiction of Court.
60. Security for costs to be furnished by plaintiff at the time of presenting the plaint, if he reside out of British India.
Plaint to be returned if security be not furnished.
61. Security for costs may be required at any stage of suit, if it appear that plaintiff resides out of British India.
62. Appeal from order rejecting plaint.
63. In certain cases, rejection of plaint not to bar presentation of fresh plaint.
64. Proceeding in a suit for immoveable property in different jurisdictions.
65. When the plaint is admissible, particulars to be entered in a Register.
Form of the Register.
66. Written document to be produced in Court when plaint is presented.
And copy filed with plaint.
If plaintiff wish, original may be filed instead of copy.
67. Shop-book, &c., to be produced. Original document to be marked and returned.
68. Document not produced when plaint presented to be inadmissible in evidence.
69. If plaintiff require production of document in possession of defendant.

Of Summoning the Defendant.

70. On plaint being registered, summons to issue to defendant.
71. Personal appearance of defendant or plaintiff.
72. Court may order personal appearance of a Director or Secretary in suits against a Corporation or Company.
73. No party to be ordered to attend in person unless resident within 50 miles.
Or within the local jurisdiction of the Court.
74. Summons to be either to settle the issues, or for the final disposal of the case.
75. In Small Cause Courts summons to be for final disposal of suit.
76. The day for appearance of defendant how to be fixed.
77. Summons shall order defendant to produce documents.
78. Form of summons.

Service of Summons on the Defendant.

79. Summons shall be served by Officer of Court.
80. How service shall be made.
81. When there are several defendants.
82. Service to be on defendant in person, when practicable, or on duly empowered agent.
83. Service on agent by whom defendant carries on business, when sufficient.
84. If defendant cannot be found, and has no agent, service may be made on a male member of his family.
85. In all cases the person served is to be required to endorse the summons.
But service sufficient without.
86. If the summons cannot be served, a copy shall be fixed to the door of the dwelling-house.
87. If defendant do not dwell in the place mentioned, the summons shall be returned with an endorsement of non-service.
Proviso.
88. If served, time and manner of service to be endorsed on summons.
89. When summons is returned unserved, Court to order substituted service if satisfied that the defendant is evading service.
90. When service is substituted, the time for appearance to be fixed.
91. How the summons is to be served when the defendant is resident within the jurisdiction of another Court, and has no agent to accept service.
92. If defendant in jail, summons to be served through jailor.
93. Procedure if jail be in a different district.
94. How the summons is to be served when the defendant resides out of British India, and has no agent to accept service.
95. Service through a British Resident or Agent of Government to be good.
96. Time for appearance under the last two preceding Sections, how to be regulated.
In case of non-appearance of defendant, Court may direct suit to proceed subject to conditions.
97. In suits for immoveable property, service may in certain cases be made on agent in charge of such property.
98. How service may be made on Government servants.
99. Service on Officers and Soldiers.
100. Service on a Corporation or Company.
101. In what case letter may be substituted for summons.
102. Mode of serving such letter.

Of Suits against Government and Public Officers.

103. In suits against Government, summons to be served on Government Advocate.
104. Appearance and answer by Government.

105. In suits against Government Officers for alleged official acts, summons to be served on them as hereinbefore provided.
106. Court may grant extension of time to enable Officer to make a reference to Government.
107. If Government undertake defence, Government Advocate to appear and apply that a note of his appearance be entered in the Register.
108. If no such application be made, case to proceed as in a suit between private parties.
But defendant not liable to arrest before judgment.
109. Government Officers may in certain cases be exempted from personal appearance.

How Persons not before the Court may be made parties to a suit.

110. Court may direct that persons appearing to be interested in a suit shall be made parties to the suit, and may cause notices to be served on such persons.

Of Arrest before Judgment.

111. In suits for moveable property when defendant is about to leave the jurisdiction, &c., plaintiff may apply that security be taken.
112. Court may issue an order to bring up defendant to show cause why he should not give security.
113. If defendant fail to show cause, Court may order him to give security.
114. Appeal from such order.
115. Procedure in case of application by surety to be discharged.
116. Defendant to be committed to jail if he cannot give fresh security.
117. Compensation to defendant arrested on insufficient grounds.
Proviso.
118. When the defendant is about to leave British India, a similar application for security may be made.

Of Attachment before Judgment.

119. In what cases plaintiff may apply before judgment for security from defendant to fulfil decree, and in default, for an attachment of defendant's property.
120. Application how to be made.
121. Court how to proceed if satisfied that defendant is about to remove property.
122. If cause be not shown or security be not furnished, property may be attached.
Withdrawal of attachment.
123. How the attachment is to be made.
124. Appeal from order under Section 122.
125. Claims to property attached before judgment, how to be investigated.
126. Attachment may be removed when security is furnished.
127. Compensation for attachment applied for on insufficient grounds, &c.
Proviso.
128. Attachment not to affect the rights of persons not parties to the suit, nor bar the execution of decrees.
129. Court may stay the sale of property already under attachment when execution of a decree fraudulently obtained is applied for.
130. Special case in which party may be put in immediate possession of land the subject of suit.

Of ex-parte Orders to perform a Contract or part of a Contract.

131. *Ex-parte* order for specific performance of a contract.
132. Order what to direct.
133. Order how to be enforced.
134. If defendant after arrest does not show cause why order should not be enforced.
135. Compensation may be awarded where an order made for specific performance has been applied for on insufficient grounds, or if the suit be dismissed, or judgment be given against the plaintiff.
Proviso.

Of Injunctions.

136. Cases in which an injunction to stay waste, &c., may be granted.
137. Before granting injunction Court may direct notice to be given to opposite party.
138. Receiver or Manager may be appointed.
139. When the Collector may be appointed Receiver.
140. In suits to restrain breach of contract, &c.
Injunction may be granted to restrain repetition or continuance of breach.
Proviso.
141. Appeal from orders under Sections 136 or 140.
142. Compensation to defendant if injunction was applied for on insufficient grounds, &c.
Proviso.

Of the Withdrawal and Adjustment of Suits.

143. Court may allow plaintiff to withdraw from a suit, with liberty to bring a fresh suit.
144 Law as to limitation of actions not affected by the first suit.
145. Adjustment by mutual agreement or compromise.
146. Court may grant certificate for refund of half stamp duty on plaint, if suit be adjusted.
Proviso.

Of the Death, Marriage and Bankruptcy or Insolvency of Parties.

147. Suit not to abate by death if cause of action survive.
148. Proceeding in case of death of one of several plaintiffs or defendants if the cause of action survives.
149. Proceeding in case of death of one of several plaintiffs, where the cause of action survives to the survivor and the representative of the deceased.
150. If no application be made by representative, suit how to proceed.
151. Proceeding in case of death of sole, or sole surviving, plaintiff.
152. If no application be made by representative, Court how to proceed.
153. Proceeding in case of dispute as to who is the legal representative of a deceased plaintiff.
154. Proceeding in case of death of one of several defendants, or of a sole, or sole surviving, defendant.
155. Marriage of female plaintiff or defendant not to abate suit.
156. Bankruptcy or insolvency when not to abate the suit.

Of Notices to produce, and how they are to be served.

157. Notice to produce to party to the suit to be served through the Court.

Of the appearance of the Parties and consequences of non-appearance.

158. Parties must appear and answer on day fixed in summons.
159. If summons has not been served in consequence of failure of plaintiff to deposit costs, suit may be dismissed.
Proviso.
160. In case of dismissal of suit under preceding Section, fresh suit may be instituted.
Or Court may grant fresh summons.
161. If neither party appear, suit to be dismissed.
162. In such case plaintiff may bring fresh suit.
Or Court may issue fresh summons.
163. If plaintiff only appear, Court to proceed *ex parte* if service of summons proved.

164. If defendant attend on day of adjourned hearing, and assign good cause for his previous non-appearance, he may be heard.
165. If plaintiff only attend, and due service of summons be not proved, Court may order issue of second summons.
166. If plaintiff only attend, and it be proved that summons was served, but not in due time, Court may adjourn hearing and direct notice to be given to defendant.
167. If defendant only attend, Court to pass judgment by default against plaintiff, unless defendant admit claim.
168. No fresh suit after judgment against plaintiff by default.
169. If there be several plaintiffs or defendants, one or more may be authorized to appear for others.
Proviso.
170. Consequence of non-attendance of one or more of several plaintiffs.
171. Consequence of non-attendance of one or more of several defendants.
172. Consequence of non-attendance without sufficient cause shown, of party ordered to appear in person.
173. Court to receive on unstamped paper written declaration in support of cause shown.
174. No appeal from judgments passed *ex parte* against defendant or against plaintiff by default.
175. When and how judgment passed *ex parte* against a defendant may be set aside.
176. When and how judgment passed against a plaintiff by default may be set aside.
177. No judgment to be set aside without notice to opposite party.
178. Order for setting aside judgment shall be final.
In appealable cases, an appeal shall lie from order of rejection.
Proviso.
179. Deposit by defendant of amount considered by him to be in full satisfaction of claim, with costs up to date.
Notice of deposit.
Interest on sum deposited not allowed to plaintiff after receipt of notice.
180. Plaintiff not barred from proceeding for sum claimed to be due in excess of amount deposited by defendant.

Of Written Statements.

181. Written statements may be tendered by the parties at the first hearing of the suit.
To be on stamp paper.
182. Particulars of set-off may be given in a written statement.
Abandonment of excess of set-off.
183. No written statement to be received after first hearing, unless called for by the Court.
Court may at any time call for a written statement.
184. How written statements are to be framed.
185. Written statements to be subscribed and verified.
186. Court may reject a written statement which is argumentative, prolix, or irrelevant.

Of the Examination of the Parties.

187. Oral examination of party, &c.
188. When to be on oath affirmation or otherwise.
Substance of the examination to be written.
189. Consequence of refusal of a party to answer.
190. Consequence of refusal or inability of Advocate to answer.

Of the Production of documents.

191. Documentary evidence to be produced at first hearing.
192. Exhibits to be received and inspected by the Court.
Rejection of exhibits.
193. Court may receive in evidence unstamped or insufficiently stamped Deeds, on payment of proper Stamp Duty and penalty.
194 Entry of payment under preceding Section.
195. Court to make monthly return to Collectors of Stamp Duty received by it.
Return what to state.
196. Collector to stamp a Deed, &c., which has been duly endorsed.
197. Admitted exhibits to be endorsed and filed.
Proviso.
198. Rejected exhibits to be endorsed.
And turned unless detained by the Court.
199. When exhibit admitted in evidence may be returned.
200. If there is no appeal, exhibit may be returned as soon as suit has been disposed of.
201. Exhibit may for special reasons be returned before the time limited.
202. In what cases exhibit not to be returned.
203. Certified copy of returned exhibit to be kept.
204. Receipt to be given for returned exhibit.
205. Court may send for papers from its own records or from other public Offices or Courts.
Except State papers.

Of the Settlement of Issues.

206. Framing of issues.
207. Issues may be framed from oral statements of parties.
208. Court may examine witnesses or documents before framing the issues.
209. Amendment of issues.
Additional issues.
210. Amendment of plaint.

Of Issues by Agreement of Parties.

211. Questions of fact or law may by agreement be stated by the parties in the form of an issue.
212. Court if satisfied on certain points may record and try question, &c.

When the Suit may be disposed of at the First Hearing.

213. If the parties are not at issue on any question of law or fact.
214. If one of several defendants be not at issue with the plaintiff on any question of law or fact.
215. If the parties are at issue on questions of law or fact.
Court may determine the issues and give judgment.
216. If either party fails to produce his evidence, Court may give judgment.

Of Adjournments.

217. Court may grant time, or adjourn to a future day.
Proviso.
218. How Court is to proceed if the parties fail to appear on the day to which hearing may be adjourned.
219. Court to proceed to a decision notwithstanding default of either party in respect of matters for which time was allowed.

Of Summoning Witnesses.

220. When summons to witnesses and others may be obtained.
221. Expenses of witnesses to be paid by party applying for summons.
222. Scale of expenses.
223. Tender of expenses to witness.
224. If sum be not sufficient.
225. Expenses if witness is detained.
226. What to be specified in summons for attendance of witness.
227. Summons to produce a document.
228. Form of summons to produce.

Service of Summons on a Witness.

229. How the summons shall be served.
230. Service to be made a sufficient time before day fixed for attendance.

231. Service to be on the witness, or a male member of his family.
232. When the summons cannot be served, it is to be returned to the Court.
233. Time and manner of service to be endorsed on the summons.
234. How a summons on a witness who resides in the jurisdiction of another Court is to be served.
235. Procedure when summons cannot be served in any of the ways before specified.
236. In what case attachment may be withdrawn.
237. Procedure if witness fail to appear, or appearing, to satisfy the Court on certain points.

Of the Examination of Parties as Witnesses.

238. A party to a suit appearing in person may be examined either in his own behalf or on behalf of any other party.
239. Special application to be made for the attendance of a party as a witness.
240. The Court may first issue notice to party whose attendance is required to show cause.
241. Court shall receive a written declaration in support of the cause shown.
242. If no sufficient cause be shown within time allowed, order to issue.
243. Court may of its own accord at any time summon any party to the suit to attend as a witness.
244. Court may of its own accord summon any person other than a party to the suit as a witness.
245. Provision as to question arising in Court subordinate to District Court, relating to the law of the religion of any suitor.
246. How District Court to proceed as to such question when referred to it.
247. And when arising in suit pending in such Court.
248. How High Court to proceed as to such questions, either referred or arising in suit pending in such Court.
249. Court which refers any such question to stay decision pending receipt of opinion of Higher Court.
250. Hearing of question by Court to which reference is made.
251. Transmission of decision of Court, and proceeding thereupon.
252. Decision of High Court to be communicated through District Court to subordinate Court.
253. Costs of reference.
254. Provisions respecting appeal in cases referred under Section CCXLV.
255. High Court not to be bound by opinion given on reference.
256. Questions referred to High Court to be heard by two or more Judges.

Attendance of Witnesses, and consequence of Non-attendance.

257. Persons summoned to give evidence must attend.
258. Procedure in case of person summoned failing to comply with summons.
259. Procedure in case of witnesses present in Court refusing to give evidence.
260. Procedure in case of party to suit, ordered to attend, failing to comply, or refusing to give evidence.
261. Any person present in Court may be called upon to give evidence though not summoned.

When and how Witnesses are to be examined.

262. Witnesses to be examined according to law in force.
263. Evidence to be taken orally in open Court.
264. A witness may for sufficient cause be examined immediately.
265. How evidence shall be taken in cases in which a regular appeal is allowed.
266. Local Government may direct evidence of witnesses in certain Courts to be taken down by Judge with his own hand in his vernacular language.
267. In what case a witness may require his deposition to be interpreted to him.
268. When evidence may be taken in English in Courts in which English is not in ordinary use.
269. In certain cases particular question and answer may be taken down.
270. Objection taken to questions.
271. Court to record remarks on demeanour of witnesses.
272. Memorandum of the evidence to be made by Judge if the evidence is not taken down by him.
273. How evidence shall be taken in cases not appealable.
274. If Judge be unable to make a memorandum of the evidence, reason of inability to be recorded.

Of Commissions to examine absent witnesses and make local enquiries.

275. Rule as to attendance of persons residing beyond a certain distance from the Court.
276. Reasons to be recorded of order for attendance of witness residing at a distance.
277. Cases in which Court may issue a commission to examine witnesses.
278. Order for commission may be made by Court of its own motion or on application.
279. When the witness resides within the Court's jurisdiction.
280. When the witness resides beyond the Court's jurisdiction, but in British India.
281. When the witness is within the local jurisdiction of a High Court.
282. When the witness is not within British India, but within the territories of a Native Prince or State in alliance with the British Government.
Proviso.
283. When the witness is not in British India nor within the territories of a Native Prince or State in alliance with the British Government.
284. Commission may issue to examine a witness in Jail.
285. Examination to be in presence of what persons.
286. Procedure as to Commission to examine a witness in a jail in a different District.
287. Commission to be returned to the Court issuing it, with the depositions of the witnesses.
288. When depositions may be read in evidence.
289. Court may dispense with proof of circumstances mentioned in last Section.
290. Commission for local investigations.
291. Commissioner may examine witnesses and call for papers.
292. The report and evidence to be evidence in the suit. Commissioner may be examined in person.
293. A Commissioner may be appointed to investigate and adjust accounts.
294. The Court to give the Commissioner the necessary information and orders.
295. Proceedings of Commissioner to be received in evidence. Court may make further inquiry if dissatisfied.
296. Expenses of Commission to be paid into Court before issue thereof.
297. Attendance, examination, and punishment of witnesses summoned by a Commission.

Of Assessors.

298. In certain Courts hearing of suits may be before Assessors.
299. Opinion of Assessors how to be given and recorded.

Of Judgment and Decree.

300. When judgment to be pronounced.
301. How judgment to be pronounced.

302. Judgment to be written in vernacular language of Judge.
Proviso.
303. When judgment to be translated.
304. Judgment what to contain.
305. Court to state its decision on each issue.
Proviso.
306. Judgment to direct by whom costs are to be paid.
307. What included under denomination of costs.
308. Date of decree.
309. Contents of decree.
310. Decree for recovery of portion of immoveable property.
311. Decree for delivery of moveable property.
312. Decree for damages for breach of contract.
313. In suits for money, Court may in decree order certain interest to be paid.
314. Payment by instalments.
315. When the suit is for land, the Court may provide in the decree for payment of mesne profits with interest.
316. Court may determine amount of mesne profits prior to passing decree or may reserve enquiry.
317. If set-off be allowed.
Effect of decree.
318. If decree be for a sum of money only and not exceeding 1,000 Rupees, Court may on verbal application direct immediate execution.
319. Warrant against personal property may be general or special.
320. Certified copies of the decree and judgment to be furnished to parties.

CHAPTER V.

Execution of Decrees.

321. Decree for immoveable property.
322. Decree for specific moveable property.
323. Decree for specific performance of a contract, or of an act.
324. Payment of money ordered to be paid under Section 311 or 312 how to be enforced.
325. Decree for money.
326. Decree against party other than a defendant in the suit.
327. Decree for execution of conveyances, or endorsement of negotiable instruments.
328. Execution of conveyance, &c., by Court, to have same effect as execution by party making default.
329. If the decree be against Government or an Officer on behalf of Government.
330. Decree against representative of deceased person for money to be paid out of property of deceased person.
331. Decree against sureties.
332. What property liable to attachment and sale in execution of a decree.
333. Into what Court payment to be made of monies payable under decrees.
334. Adjustment of decree to be made through the Court.

Application for Execution.

335. Application for execution to be made.
336. Any one of several decree-holders may apply.
337. Application by whom to be made, if decree be transferred from original decree-holder to another person.
338. Cross-decrees.
339. Stay of execution until pending suit between decree-holder and the judgment-debtor is decided.
340. If the person against whom a decree is made shall die before execution, application may be made for execution against his representative or estate.
341. Notice of application to be given to representative.
342. Decree how to be executed against representative.
343. Application for execution of a decree how to be made and what to contain.
344. Further particulars when the application is for an attachment of immoveable property.
345. In certain cases application to be accompanied by extract from Collector's Register.
346. Application for an attachment of moveable property may be general, or may be accompanied with an inventory of the property to be attached.
347. Procedure on receiving application for execution of decree.
348. Procedure if particulars do not correspond with decree.
349. If application admitted, execution to be ordered.

Measures required in certain cases preliminary to the issue of the warrant.

350. In certain special cases, notice to show cause why the decree should not be executed shall be issued.
Proviso.
351. Procedure after issue of notice.
352. On application for a general attachment of moveable property security may be required.
353. Before granting order, Court may examine person against whom application is made as to the property to be attached.
354. The Court may summon and examine other persons as to the property.

Issue of the warrant.

355. Warrant when to issue.
356. How to be dated, signed, &c.
357. Latest day for return of warrant to be specified.
358. Mode of execution to be endorsed.

Of the Execution of Decrees for immoveable property.

359. How immoveable property to be delivered when in occupancy of defendant or of some person under him.
360. How to be delivered when in occupancy of tenant.
361. Division of estate or separation of share how to be made.
362. Obstruction to execution of decree for immoveable property.
363. In case of obstruction by defendant or at his instigation Court how to proceed.
364. How defendant may be dealt with, if obstruction continues.
365. Procedure in case of obstruction by a *bonâ fide* claimant other than the defendant.
366. Procedure in case of person other than the defendant dispossessed of immoveable property disputing right of decree-holder to be put into possession of such property.
367. Order passed under the last two Sections to have the force of a decree, and to be subject to a regular appeal.

Of the Execution of Decrees for money by attachment of Property.

368. Attachment of property in execution of decree for money.
369. Attachment by seizure of moveable property in possession of defendant.
370. Attachment, by prohibitory order, of moveable property of defendant subject to lien.
371. Attachment by prohibitory order of debts not being negotiable instruments, and of shares in public Companies, &c.
372. Attachment by prohibitory order of immoveable property.
373. Prohibitory order how to be made known in case of property not in possession of defendant.
374. And in case of immoveable property.
375. Attachment, by notice, of money or securities in deposit in a Court of Justice or with a Government Officer.
Proviso.

376. Attachment of negotiable instruments by seizure.
377. In case of debt, prohibitory order how to be made known.
378. And in case of shares in joint-stock of any Company or Corporation.
379. Any private alienation of property after attachment to be void.
380. Payment by a debtor who has been prohibited from making payment to his creditor.
381. Court may direct money or bank notes attached to be paid to party entitled.
382. Or that moveable property attached be sold, and proceeds be so paid.
383. Court may postpone sale of land to enable defendant to raise amount of decree by mortgage, &c.
384. When property attached consists of debts or immoveable property, Manager may be appointed.
385. Remuneration, powers, &c., of Manager.
386. When Court may authorize Collectors to stay public sale of land.
Court may order security to be taken.
387. Special rules in force in any place, in respect to sales of land in execution of decrees for money may be continued.
388. Order for withdrawal of attachment after satisfaction of the decree.

Of Claims to attached Property.

389. How claims and objections to sale of attached property are to be investigated.
390. When Court to order release of property from attachment.
391. When Court to disallow claim to release of property attached.
392. Order of Court under last two Sections not subject to appeal.
393. Claims and objections to be preferred at the earliest opportunity.
Proviso.
394. Order refusing investigation not open to appeal.

Of sales in Execution of Decrees.

395. Sales by whom to be conducted and how made.
396. Saving as to negotiable securities and shares in public Companies.
397. Sale by Collector of lands paying revenue to Government.
398. Proclamation of sales by public auction.
399. Proclamation how to be made.
400. Time of sale.
401. Process for attachment and sale may in certain cases be simultaneous or otherwise.
402. Payment for moveable property sold.
403. Irregularity not to vitiate sale of moveable property, but any person injured may recover damages by suit.
404. Deposit by purchaser of immoveable property.
Time for payment in full.
Consequence of default.
Defaulting purchaser answerable for loss by re-sale.
405. Co-sharer of an undivided estate sold in execution of decree may claim to take the share at the sale price.
Proviso.
406. Notification on resale of immoveable property.
407. Confirmation of sale.
408. Sale not to be set aside on ground of irregularity unless substantial injury be proved.
409. If objection be disallowed, sale to be confirmed.
410. Orders on objections to sale when final, and when open to appeal.
411. If sale set aside, price to be returned to purchaser.
412. Certificate to be granted to the purchaser of land.
413. Certificate to state the name of actual purchaser. Benamee purchaser not recognized.
414. Delivery of moveable property in possession of defendant.
415. Delivery of moveable property to which defendant is entitled subject to lien.
416. Delivery of immoveable property in the occupancy of defendant, &c.
417. Delivery of immoveable property in the occupancy of tenant, &c.
418. Delivery of debts not being negotiable instruments, and of shares in public Companies.
419. Delivery of negotiable instruments of which actual seizure has been made.
420. Transfer of instruments and shares.
421. Resisting or obstructing purchasers in obtaining possession of property.
422. Obstruction by claimants other than defendants.
423. Attaching creditor to be first paid out of proceeds of property sold.
424. Surplus to be rateably distributed among decree-holders who have taken out execution prior to the order for distribution.
Proviso where property is sold subject to a mortgage.
425. Court may order proceeds of property attached under a decree obtained fraudulently, to be paid in satisfaction of another decree.
426. Orders under last two Sections open to appeal.

Of Arrest in execution of Decrees for Money.

427. On what grounds application for discharge may be made.
428. Application what to contain.
Verification.
429. Procedure on application for discharge by a person arrested in execution of a decree for money.
430. Pending enquiry, the defendant may be left in custody or released on good security.
431. Defendant liable to be again arrested if proved guilty of fraudulent concealment of property, &c.

Of the execution of Decrees by Imprisonment.

432. Where defendant, to be imprisoned in execution of decree, may be confined.
433. Subsistence-money of a defendant in Jail how to be fixed and furnished.
434. Court may vary the allowance in case of illness or for other special cause.
435. Subsistence-money to be added to amount of decree.
436. Release of defendant.
437. Imprisonment not to exceed two years.
Or six months if decree do not exceed 500 Rupees.
Or three months if not exceeding 50 Rupees.
438. Application for discharge.
439. Application what to contain.
Verification.
440. Procedure on such application.
441. In what case defendant to be discharged.
442. If fraud or concealment be proved, debtor's imprisonment may be extended to two years.
And may be further dealt with according to law.
443. Defendant not to be twice imprisoned under same decree except under last Section.
444. When Court may declare defendant absolved from further liability.
445. How questions regarding amount of mesne profits and interest and sums paid in satisfaction of decrees, &c., are to be determined.
446. Appeal from orders passed under last Section.

Of Payment of the amount of Decrees for money by Instalments.

447. Court may order payment by instalments.

Execution of Warrant of Arrest or other Process in Military Cantonments, &c.

448 Warrant of arrest or other process in execution of decrees how to be enforced in Military Cantonments, &c.

Of Execution of a Decree beyond the local limits of the jurisdiction of the Court by which it was passed

449. Decree of one Court may be executed within the jurisdiction of another Court.
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450. Application for such execution.
451. Court how to proceed.
be transmitted.
452. Court receiving copies of decree, &c., may file same without proof or require proof.
453. Transmitted copy of decree or order to have same effect as decree of Court to which it is sent for execution.
454. Execution how to be enforced by Court applied to.
Proviso.
455. Execution by High Court of decree transmitted by other Court.
Proviso.
456. Wrongful acts or irregularities in executing decree to be punished by Court applied to.
457. Court applied to may in certain cases stay execution, &c.
458. Before making any order under last Section Court may require security from, or impose conditions upon, defendant.
459. Order of Court passing decree or of Appellate Court to be binding upon Court applied to.
460. Liability of defendant discharged, to be re-taken.
461. What appeal from orders of a Court for executing decree of another Court.

Enforcement of registered Bonds and other Instruments.

462. When registered bonds may be enforced without suit.
Proviso.
463. But application for enforcement must be made within a period fixed.
464. Court to which application may be made for enforcing bonds.
465. Application to be treated as for execution of a decree.
466. Procedure of Court on receipt of application.
467. Attachment may issue against debtor about to quit jurisdiction, or to move property therefrom.
468. What provisions to apply to issue of such attachment.
469. Compensation to person against whom claim is made if arrest or attachment of property be applied for on insufficient grounds, &c.
Proviso.
470. If the person appear and show cause against issue of execution.
471. What may be pleaded in bar of execution.
472. Court may at discretion direct institution of suit, instead of enforcing bond, &c., under this Act.
473. Effect of Court refusing to enforce bond, &c., under Section 462.
374. Foregoing provisions not to bar institution of suit on bond, &c., after lapse of period indicated.
475. Order of Court issuing execution or refusing to issue it open to appeal.
476. Rules contained in this Chapter applicable to execution of Judicial process in miscellaneous proceedings.
477. Attendance, examination, and punishment of witnesses required to give evidence.

CHAPTER VI.

OF PAUPER SUITS.

478. Suits may be brought in *formâ pauperis*.
479. What suits excepted.
480. Application to be by petition on stamped paper.
481. Petition what to contain.
482. How to be presented.
483. When petition to be rejected
484. If in form, Court how to proceed.
If presented by agent, Court may order petitioner to be examined by commission.
485. Grounds on which application shall be rejected.
486. Notice to opposite party if application be not refused.
487. Court how to proceed.
488. Summons to witness.
489. Court may first institute local enquiry.
490. Course of proceeding if application admitted.
491. On decision of suit, costs how to be calculated and from whom recovered.
492. Refusal to allow to sue as pauper, to bar subsequent application of like nature.
493. No appeal from orders under this Chapter.
494. Attendance, remuneration, &c., of witnesses.

CHAPTER VII.

REFERENCE TO ARBITRATION.

495. Parties to suit may apply to refer to arbitration.
496. Application how to be made.
497. Nomination of arbitrators.
498. When Court to nominate arbitrators.
499. Order of reference.
500. When reference is to two or more arbitrators, order to provide for difference of opinion.
501. In case of death, incapacity, or refusal to act, of arbitrators or umpire, Court to appoint others.
502. Umpire, if not appointed by arbitrators, may be appointed by Court.
503. Power of arbitrator or umpire appointed under last two Sections.
504. Summoning witnesses.
Punishment for default, &c.
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A Bill for consolidating and amending the laws relating to the Procedure of the Courts of Civil Judicature in British India.

Preamble.

Whereas it is expedient to consolidate and amend the laws relating to the Procedure of the Courts of Civil Judicature in British India; It is enacted as follows:—

Short title.

I. This Act shall be called, and may be referred to as, the Code of Civil Procedure.

Procedure in Civil suits to be regulated by this Code.

II. Except as provided by this Code or any other law for the time being in force, the Procedure prescribed by this Code shall be followed from the date on which this Code shall come into operation, in all suits and appeals of every description and, as far as it is or can be made applicable, in all miscellaneous cases and proceedings instituted in any Court.

What parts of the Code regulate procedure in Courts of Small Causes.

III. The Sections of this Code having the words "*Small Cause Courts*" affixed to them in a parenthesis, extend to Courts of Small Causes constituted under any law for the time being in force, so far as the same are or can be made applicable to such Courts, as well as to other Courts not so constituted. The Sections of this Code, to which the said words are not so affixed, do not extend to Courts of Small Causes.

Acts repealed.

IV. From the date on which this Code shall come into operation, the Acts or parts of Acts set forth in the Schedule (A) annexed to this Code, shall be held to be and are hereby repealed, except so far as they repeal any other Act or Regulation, or part of any other Act or Regulation. (*Small Cause Courts.*)

CHAPTER I.

Of Definitions.

Interpretation.

V. The following words and expressions in this Code shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction.

"Number."

Words importing the singular number include the plural number, and words importing the plural number include the singular number.

"Gender."

Words importing the masculine gender include females.

"British India."

The words "British India" denote the territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic, cap. 106, entitled An Act for the better Government of India.

"Government."

The word "Government" means the person or persons authorized by law to administer Executive Government in any part of British India.

"Local Government."

The words "Local Government" mean the person authorized to administer the Executive Government in any part of British India, or the Chief Executive Officer of any part of British India under the immediate administration of the Governor-General of India in Council, when such Chief Executive Officer shall, by an order of the Governor-General in Council published in the Official Gazette, be authorized to exercise all or any of the powers vested by this Code in a Local Government.

"High Court."

The words "High Court" denote the highest Civil Court of Appeal in any part of British India to which this Code may extend.

The local limits of the ordinary Original Civil Jurisdiction of a High Court shall be deemed a district for the purposes of this Code.

"Court."

The word "Court" denotes any Judge acting judicially alone, and every body of Judges acting judicially as a body, however such Judge or body of Judges may be designated, lawfully exercising jurisdiction in Civil cases for the decision of such cases, whether in the first instance or on appeal.

"District."

"District Court."

The local jurisdiction of a Principal Civil Court of Original Jurisdiction shall be deemed a district for the purposes of this Code and the words "District Court" mean such Court.

"Judge."

The term "Judge" denotes the presiding Judicial Officer in every Court of Civil Judicature, by whatever title he may be designated.

"Collector."

The word "Collector" denotes every Officer performing the duties of a Collector of Land Revenue, by whatever name his office may be designated.

"Advocate."

The word "Advocate" includes every Barrister, Advocate, Pleader, Attorney, or Vakeel having by any law for the time being in force the right to appear and be heard in any suit, appeal of any description, miscellaneous case or proceeding.

"Proper Officer."

The words "Proper Officer" mean the person whose duty it is by any law or rule for the time being in force to attend to the particular matter indicated.

"Process."

The word "Process" includes all summonses, notices, proclamations, warrants and writs issued under any of the provisions of this Code.

"Section."

The word "Section" means a Section of this Code.

"Suit."

The word "Suit" means a suit instituted by a plaint under Section L until the decree of the Court of first instance.

"Miscellaneous case."

The words "Miscellaneous case" mean any Civil case or proceeding not being a suit. The proceedings in the execution of a decree are within this definition.

"Regular Appeal."

The words "Regular Appeal" mean an appeal from a judgment, or decree, passed or made in a suit, or from an order passed in a suit from which a regular appeal is allowed.

"Special Appeal."

The words "Special Appeal" mean an appeal from a judgment or decree passed or made in regular appeal.

"Appeal."

The word "Appeal" means an appeal from an order passed in a regular suit from which an appeal is allowed, or from an order passed in a miscellaneous case or proceeding.

"Jail."

The word "Jail" means the Jail of the District, or any place appointed by the Local Government for the confinement of persons under Civil process.

"Year." "Month."

The word "Year" or "Month" denotes a year or month reckoned according to the British Calendar. (*Small Cause Courts.*)

CHAPTER II.

Of the Jurisdiction of the Courts.

Courts have cognizance of all suits unless specially barred.

VI. The Courts shall take cognizance of all suits of a Civil nature, with the exception of suits of which their cognizance is barred by any law for the time being in force. (*Small Cause Courts.*)

Courts not to take cognizance of suits previously heard and determined.

VII. The Courts shall not take cognizance of any suit brought on a cause of action which shall have been heard and determined by a Court of competent jurisdiction in a former suit between the same parties, or between parties under whom they or any of them claim, or on which a suit between the same parties, or between parties under whom they or any of them claim, is pending in any other Court. (*Small Cause Courts.*)

Revision of judgments of the Courts.

VIII. The judgments, decrees, and orders of the Courts shall not be open to revision otherwise than under the rules contained in this Code applicable to new trials or reviews of judgment, or in appeal, when by this Code or any other law for the time being in force an appeal is allowed. (*Small Cause Courts.*)

No person excepted from jurisdiction by reason of place of birth or of descent.

IX. No person whatever shall, by reason of place of birth, or by reason of descent, be in any Civil proceeding whatever excepted from the jurisdiction of any of the Courts. (*Small Cause Courts.*)

Jurisdiction of Courts.

X. Subject to such pecuniary or other limitations as are prescribed by any law for the time being in force, the Courts of each grade shall receive, try, and determine all suits cognizable by those Courts, if in the case of suits for land or other immoveable property the land or property shall be situate, or in all other cases, if the cause of action shall have arisen, or the defendant at the time of the commencement of the suit shall dwell, or carry on business, or personally work for gain, within the local limits to which their respective jurisdictions may extend. Provided that the provision contained in this Section under which the Courts may hear suits if the cause of action shall have arisen within the local limits of their respective jurisdictions, shall not apply in any suit brought against the representative of a deceased person as such representative on a cause of action which accrued against such deceased person in his lifetime. (*Small Cause Courts.*)

Court in which suit to be instituted.

XI. Every suit shall be instituted in the Court of the lowest grade competent to try the same. (*Small Cause Courts.*)

Proceeding in case of suit being instituted in a Court other than that of the lowest grade competent to try it.

XII. If a suit be instituted in a Court of a higher grade than the Court in which it should under the last preceding Section have been instituted, the Court, in which the suit is instituted, shall return the plaint to the plaintiff with a view to his instituting the suit in the proper Court, or it may try the suit itself, if otherwise competent to try it, recording the reason for so doing.

Transfer of suits.

XIII. It shall be lawful for the District Court to withdraw any suit instituted in any Court subordinate to such District Court, and to try the suit itself, or to refer the suit for trial to any other Court subordinate to its authority and competent in respect of the value of the suit to try the same, whenever it may see sufficient cause for so doing.

High Court may order transfer of suits and appeals among subordinate Courts.

XIV. It shall be lawful for the High Court to order that the cognizance of any suit or appeal which may be instituted in any Court subordinate to such High Court shall be transferred to any other Court subordinate to its authority and competent in respect of the value of the suit or appeal to try the same.

Suit to include the whole claim. Relinquishment of part of claim.

XV. Every suit shall include the whole of the claim arising out of the cause of action, but a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court. If a plaintiff relinquish or omit to sue for any portion of his claim, a suit for the portion so relinquished or omitted shall not afterwards be entertained. (*Small Cause Courts.*)

Joinder of causes of action in the same suit.

XVI. Causes of action by and against the same parties, and cognizable by the same Court, may be joined in the same suit, provided that the entire claim in respect of the amount or value of the property in suit does not exceed the jurisdiction of the Court, and is covered by the stamp on which the plaint is written where a stamp is required. (*Small Cause Courts.*)

Court may in certain cases order separate trials of such causes of action.

XVII. If two or more causes of action be joined in one suit, and the Court shall be of opinion that they cannot conveniently be tried together, the Court may order separate trials of such causes of action to be held. (*Small Cause Courts.*)

Claims for recovery of land and for mesne profits to be deemed distinct causes of action.

XVIII. A claim for land, and a claim for the mesne profits of the same land, shall be deemed to be distinct causes of action within the meaning of the last two preceding Sections.

Suits for immoveable property situate within different jurisdictions of the same District.

XIX. If the suit be for land or other immoveable property situate within the limits of a single District, but within the jurisdiction of different Courts, the suit may be brought in the Court within the jurisdiction of which any portion of such land or other immoveable property is situate, provided the entire claim in respect of the value of the property in suit be cognizable by such Court; but in such case the Court in which the suit is brought shall apply to the District Court for authority to proceed with the same.

XX. If the property be situate within the limits of different Districts, the suit may be brought in any Court, otherwise competent to try it, within the jurisdiction of which any portion of the land or other immoveable property in suit is situate; but in such case the Court in which the suit is brought shall apply to the High Court for authority to proceed with the same. If the suit is brought in any Court subordinate to a District Court, the application shall be submitted through the District Court to which such Court is subordinate.

Suits for immoveable property situate in different Districts.

XXI. If the Districts within the limits of which the property is situate are subject to different High Courts, the application shall be submitted to the High Court to which the District in which the suit is brought is subject; and the High Court to which such application is made may, with the concurrence of the High Court to which the other District is subject, give authority to proceed with the same.

Suits for immoveable property situate in Districts subject to different High Courts.

XXII. If in a suit for land situate on the border of the local limits of the jurisdiction of the Court, the defendant object to the hearing of the suit on the ground that the land is not included within the local limits of the jurisdiction of the Court, the Court shall have power to determine the point; and if the Court shall find that the land is included within the limits of its local jurisdiction, it shall proceed to try the suit. Provided that, if it be shown that the land in dispute has been adjudged by competent authority to belong to an estate, village, or other known division of land situate within the local limits of the jurisdiction of another Court, the Court in which the suit is brought shall reject the plaint, or return it to the plaintiff in order to its being presented in the proper Court.

Suit for land situate on the borders of the local jurisdiction of the Court and alleged by the defendant to be within another local jurisdiction.

Proviso.

XXIII. If a contract shall have been entered into for the performance of a number of separate or successive acts, a suit may be brought to enforce the performance of any one or more of such acts, without waiting for the time when the whole of the acts required to be performed under the contract ought to have been performed, and the Court may order the defendant specifically to perform any one or more of such acts without ordering him specifically to perform the entire contract, imposing such terms, if any, upon the plaintiff as shall seem to the Court to be just. (*Small Cause Courts.*)

Suits for specific performance.

XXIV. No suit shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be lawful for the Courts to make binding declarations of right without granting consequential relief.

Declaratory suit.

CHAPTER III.

GENERAL RULES.

XXV. All applications to any Court, and all appearances of parties in any Court, except when otherwise specially provided by this Code, shall be made by the party in person, or by his recognized agent, or by an Advocate duly appointed to act on his behalf. (*Small Cause Courts.*)

Parties may appear in person or by recognized agent or by Advocate.

XXVI. The recognized agents of parties by whom such applications and appearances may be made are—

Recognized Agents.

1*st.*—Persons holding general powers of attorney from parties not within the jurisdiction of the District Court within the limits of which the application or appearance is made, authorizing them to make such applications and appearances on behalf of such parties.

Persons holding powers of attorney from absent persons.

2*ndly.*—Persons carrying on trade or business for and in the name of parties not within the jurisdiction of the District Court within the limits of which the application or appearance is made in matters connected with such trade or business only, where no other agent is expressly authorized to make such applications or appearances.

Persons carrying on trade or business for absent persons.

3*rdly.*—Persons being ex-officio or otherwise authorized to act for Government in respect of any suit or judicial proceeding.

Persons authorized to act for Government.

4*thly.*—Persons specially appointed by an order of the Government, at the request of any Sovereign Prince or Independent Chief, whether residing within or without British India, to prosecute or defend a suit on his behalf. (*Small Cause Courts.*)

Persons specially appointed to prosecute a suit for any Sovereign Prince.

XXVII. In addition to the parties mentioned in the first and second Clauses of the last preceding Section, who are allowed to appear by recognized agents, the Court may allow any female, or any male adult who, by reason of any bodily infirmity, is unable without inconvenience to attend the Court in person, to appear by a recognized agent.

Court may allow females and males under bodily infirmity to appear by recognized agent.

XXVIII. Whenever a party to a suit is required by this Code to appear or attend in person, he may appear or attend by his recognized agent unless the Court shall otherwise direct; and any thing which by this Code is required or permitted to be done by a party in person may be done by his recognized agent unless the Court shall otherwise direct. (*Small Cause Courts.*)

Acts required to be done by a party to a suit in person may be done by his recognized agent.

XXIX. Processes served on a recognized agent relative to a suit shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct; and the provisions of this Code relative to the service of processes on a party to a suit shall be applicable to the service of processes on such recognized agent. (*Small Cause Courts.*)

Service of Notices, &c., on recognized agents.

XXX. Whenever a party to a suit is required to appear in any Court for any purpose connected with such suit, or to perform any act in connection therewith, such party may appear or perform such

Appearance may be by Advocate.

act by an Advocate, unless such party shall be required by this Code to appear or attend the Court in person, or to perform such act in person, or unless the Court shall otherwise direct. (*Small Cause Courts.*)

Appointment of Advocate.

XXXI. The appointment of an Advocate to make any application or to appear or attend as aforesaid shall be in writing, and shall be filed in the Court. When so filed, it shall be considered to be in full force until revoked by a writing filed in the Court. (*Small Cause Courts.*)

Service of process on Advocates.

XXXII. Processes served on the Advocate of any party (not being an Advocate of the High Court), or left at the office or ordinary residence of such Advocate, relative to a suit, and whether the same be for the personal attendance of the party or not, shall be presumed to be duly communicated and made known to the party whom the Advocate represents, and shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct. (*Small Cause Courts.*)

Service of process how to be made on a party who has not appointed an Advocate to act for him.

XXXIII. In all cases in which a party to a suit has not appointed an Advocate to act for him, all processes shall be served upon such party in the manner hereinafter provided for the service of a summons upon a defendant to appear and answer. (*Small Cause Courts.*)

Who may be an agent to receive service.

XXXIV. Besides the recognized agents described in Section XXVI, any person residing within the jurisdiction of the Court may be appointed an agent to receive processes. The appointment of such agent shall be in writing, and the original appointment, or a copy thereof if the appointment be a general one, shall be filed in the Court. (*Small Cause Courts.*)

Appointment of such agent to be in writing and to be filed in Court.

Agent of Government.

XXXV. The person appointed to act as Advocate on the part of Government in any Court, shall be accounted the agent of the Government for the purpose of receiving processes against the Government, issuing out of the Court in which such person may be the Advocate of Government. (*Small Cause Courts.*)

Who to be deemed Government Advocate in any Court in which no person has been specially appointed.

XXXVI. The person appointed to act as Advocate on the part of Government in any District Court shall, for the purpose of the last preceding Section, be considered the Advocate of Government in any Court in such District in which no person shall have been specially appointed Advocate on the part of Government in such Court. Processes issued by a Court to the Government Advocate of another Court may be forwarded to him by post. (*Small Cause Courts.*)

Officers or Soldiers, who cannot obtain leave of absence, may authorize any person to appear for them.

XXXVII. When an Officer or Soldier in the Military Service of the Government is a party to a suit, and cannot obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person, he may authorize any member of his family or any other person to commence, conduct, and manage the suit or the defence, as the case may be, in his stead. The authority shall be in writing, and shall be signed by the Officer or Soldier in the presence of his Commanding Officer, who shall countersign the same, and it shall be filed in the Court. When so filed, the countersignature of the Commanding Officer shall be sufficient proof that the authority was duly executed, and that the Officer or Soldier by whom it was granted could not obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person. (*Small Cause Courts.*)

The person so authorized may appear personally or appoint Advocate.

XXXVIII. Any person who may be authorized by an Officer or Soldier to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person in the same manner as the Officer or Soldier could do if present; or he may appoint an Advocate of the Court to prosecute or defend the suit on behalf of such Officer or Soldier. (*Small Cause Courts.*)

Service on person so authorized, or on Advocate, to be good service.

XXXIX. Processes which may be served upon any person who shall be authorized as in the last preceding Section mentioned by an Officer or Soldier, or upon any Advocate (not being an Advocate of the High Court) who shall be appointed as aforesaid by such person to act for or on behalf of such Officer or Soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person or on an Advocate appointed by him. (*Small Cause Courts.*)

Exemption of certain women from personal appearance.

XL. Women, who according to the customs and manners of the country ought not to be compelled to appear in public, shall be exempt from personal appearance in Court. (*Small Cause Courts.*)

Government may exempt certain persons from personal appearance.

XLI. The Government may, at its discretion, exempt from personal appearance in Court any person whose rank in the opinion of the Government entitles him to the privilege of exemption, and may at its discretion withdraw such privilege. (*Small Cause Courts.*)

List of names of persons exempted to be kept in the District Court.

XLII. The names of the persons exempted from personal appearance in Court (if any) residing within the jurisdiction of the District Court shall from time to time be forwarded to such Court by the local Government, and a list of such persons shall be kept in such Court and in the several subordinate Courts of the District. (*Small Cause Courts.*)

Service within limits of local jurisdiction of High Courts of process issued by Courts without those limits.

XLIII. Every process required to be issued under this Code shall, if such process be issued by any Court established beyond the local limits of the jurisdiction of any of the High Courts of Judicature at Calcutta, Madras or Bombay, and be required to be served within the local limits of any such High Court, be delivered to the Court of Small Causes within whose jurisdiction the process requires to be served, or to any Court other than the High Court which may now exist or which may hereafter be established with jurisdiction within the same local limits, and shall be executed by such Court of Small Causes or other Court in the same manner as if such process had been issued by such

Court of Small Causes or other Court, and, after having been so executed, shall be returned to the Court by which it was issued. The delivery of the process to the Court required to execute the same, and its return to the Court by which the process was issued, may be by an Officer of the Court which issued the process, or by post.

Proof of due service and delivery of process transmitted through the post.

XLIV. Whenever it is provided that any notice, summons, letter, or other communication may be transmitted to the person to whom it is addressed by post, proof that the same was correctly addressed to such person at his place of residence, and that it was duly posted and registered according to any law for the management of the Post Office for the time being in force, shall be sufficient proof of the due service and delivery of the notice, summons, letter, or other communication, in the absence of evidence to the contrary. (*Small Cause Courts.*)

Process to be served at expense of party issuing it.

XLV. Every process required to be issued under this Code, shall be served at the expense of the party at whose instance it is issued, unless otherwise specially directed by the Court; and the sum required to defray the costs of such service shall be paid into Court before the process is issued, within a period to be fixed by the Court issuing the process. Postage, where chargeable on any notice, summons, letter, or other communication forwarded by post and the fee for registering the same shall be costs required to be paid as aforesaid within the meaning of this Section. (*Small Cause Courts.*)

Summons cost, if not deposited by party to suit, how to be paid.

XLVI. Whenever any person shall be summoned to give evidence or to produce any document in any suit otherwise than on the application of a party to the suit, the cost of summoning such person including his travelling and other expenses, if not deposited by either party to the suit, shall be paid by the Collector of the District, under an order of the Court, and shall be costs in the suit, and shall be paid out of any money recovered on account of costs in the suit, whether at the instance of the Government or of any of the parties to the suit, before any other costs in the suit are paid. (*Small Cause Courts.*)

Court may order any document to be impounded.

XLVII. The Court may, if it see sufficient cause, direct any written document produced in Court in any suit to be impounded and kept in the custody of an Officer of the Court, for such period and subject to such conditions as to the Court shall seem meet. (*Small Cause Courts.*)

When security is required, a deposit may be made instead.

XLVIII. When security is required to be furnished by any person, the Court may permit such person to deposit a sum of money or Government Promissory Notes, to such amount as such Court may fix, in lieu of the security required. (*Small Cause Courts.*)

Punishment for false verification of plaint, statement, &c.

XLIX. If any plaint, written statement, or declaration in writing required by this Code to be verified shall contain any averment which the person making the verification shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the provisions of the law for the time being in force for the punishment of giving or fabricating false evidence. (*Small Cause Courts.*)

CHAPTER IV.

OF A SUIT TILL DECREE.

OF THE INSTITUTION OF SUITS.

Suits to be commenced by plaint containing certain particulars.

L. Every suit shall be commenced by a plaint which shall contain the following particulars :—

1.—The name, description, and place of abode of the plaintiff.

2.—The name, description, and place of abode of the defendant, so far as they can be ascertained.

3.—The relief sought for, the subject of the claim, the cause of action, and when it accrued: and, if the cause of action accrued beyond the period ordinarily allowed by any law for commencing such a suit, the ground upon which exemption from the law is claimed.

The following are instances :

If the suit be for money due on a bond or other written instrument:—Payment of due on (*a bond or other written instrument as the case may be*) for the sum of , bearing date the day of , and payable on the day of namely,—

Principal .....
Interest .....
Amount paid (if any).....

Balance due.....

If the plaintiff claim exemption from any law of limitation, say—"The plaintiff was an infant (*or as the case may be*) from the day of to the day of ".

If the suit be for the price of goods sold :—

Payment of on account of maunds of (*rice, indigo, sugar, or as the case may be*) sold on the day of , and the price of which became payable on the day of as per account at foot.

If the suit be for damages for an injury done :—

Payment of on account of injury done to the plaintiff [*here set out the nature of the injury and state the particulars of the pecuniary loss, (if any)*].

4.—When the claim is for any property other than money, its estimated value.

The following is an instance :

If the suit be for an estate or for a share in an estate paying revenue to Government :—Possession of the estate (*or of share in the estate*), called , situate in the Zillah of

the sudder jumma of which is and estimated value , of which the plaintiff was dispossessed *(or forcibly or fraudulently dispossessed if the case be so)*, on the day of ; *(or to which the plaintiff became entitled by inheritance from , or by gift, purchase or otherwise, as the case may be, on or about the day of).*

5.—When the claim is for land or for any interest in land, the nature of the tenure or interest shall be specified ; and if the claim be for land forming part of a village or other known division, or for a house, garden, or the like, its situation shall be described by the setting forth of boundaries, or in such other manner as may suffice for its identification.

6.—In suits by or against the Government, or one of its Officers in his Official capacity, or any Corporation, or any Company authorized to sue and be sued in the name of an Officer or of a Trustee, the words "The Government," or "The Collector of ," or otherwise as the case may be, or the name of the Corporation, or the name of the Officer or Trustee of the Company shall be inserted in Nos. 1 and 2 instead of the name and description of the plaintiff or defendant. But in every other suit it shall be necessary to specify the names of all the parties. (*Small Cause Courts.*)

Plaint to be subscribed and verified.

LI. The plaint shall be subscribed by the plaintiff and his Advocate (if any), and shall be verified at the foot by the plaintiff in the manner following, or to the like effect.

I (A. B.) the plaintiff named in the above plaint do declare that what is stated therein is true to the best of my information and belief.
(*Small Cause Courts.*)

If plaintiff by reason of absence be unable to subscribe and verify the plaint.

LII. If the plaintiff, by reason of absence or for other good cause, be unable to subscribe and verify the plaint, the Court may allow the plaint to be subscribed and verified on behalf of the plaintiff by any person whom the Court may consider competent to make the verification. (*Small Cause Courts.*)

In suits by a Corporation or Company, a Director or Secretary may verify the plaint.

LIII. In suits by a Corporation or a Company authorized to sue and be sued in the name of an Officer or of a Trustee, the plaint may be subscribed and verified on behalf of the Corporation or Company by any Director, Secretary, or other principal Officer of the Corporation or Company who is able to depose to the facts of the case. (*Small Cause Courts.*)

Court may reject plaint if it do not contain the required particulars, &c.

LIV. If the plaint do not contain the several particulars hereinbefore required to be specified therein, or if it contain particulars other than those required to be specified whether relevant to the suit or not, or if the statement of particulars be unnecessarily prolix, or if the plaint be not subscribed and verified as hereinbefore required, the Court may reject the plaint, or at its discretion may allow the plaint to be amended. (*Small Cause Courts.*)

Amendment of plaint.

Plaint to be returned if the claim is beyond the jurisdiction of the Court.

LV. If the amount or estimated value of the claim, as stated by the plaintiff, be beyond the jurisdiction of the Court, the plaint shall be returned to the plaintiff in order to its being presented in the proper Court. (*Small Cause Courts.*)

Plaint to be rejected if improperly or insufficiently valued.

LVI. If it appear to the Court that the claim is improperly valued, or being properly valued, that the plaint is written upon stamped paper of inadequate value, where a stamp is required, and the plaintiff, on being required by the Court to correct such improper valuation, or to supply such additional stamp paper as may be necessary, shall not comply with the requisition, the Court shall reject the plaint. (*Small Cause Courts.*)

Plaint to be rejected if it appear to the Court that plaintiff has no cause of action, or that right of action is barred by lapse of time.

Amendment of plaint.

LVII. If upon the face of the plaint, or after questioning the plaintiff, it appear to the Court that the subject matter of the plaint does not constitute a cause of action, or that the right of action is barred by lapse of time, the Court may reject the plaint, or, if it think proper, allow the plaint to be amended. (*Small Cause Courts.*)

Plaint to be returned if it appear to the Court that it has not jurisdiction.

LVIII. If it appear to the Court in any case relating to land or other immoveable property that such land or other property is not situate within the local limits of the jurisdiction of the Court, or in any other case that the cause of action did not arise, and that the defendant is not dwelling or carrying on business or personally working for gain, within such limits, the Court shall return the plaint to the plaintiff in order to its being presented in the proper Court. (*Small Cause Courts.*)

Suit against several defendants all of whom do not reside within jurisdiction of Court.

LIX. If in any suit there are more defendants than one, and at the date of the institution of the suit any of the defendants shall not reside within the local limits of the jurisdiction of the Court in which the suit is brought, but one or more of the defendants shall reside within such limits, the suit shall not be rejected, as against the defendant or defendants so residing, by reason of any of the defendants not residing within the local limits of the jurisdiction of the Court. (*Small Cause Courts.*)

Security for costs to be furnished by plaintiff at the time of presenting the plaint, if he reside out of British India.

LX. A suit by a party ordinarily residing out of British India, and not possessing any land or other immoveable property within British India independent of the property in suit, shall not be entertained unless the plaintiff, at the time of presenting the plaint or within such time as the Court shall order, furnish security for the payment of all costs that may be incurred by the defendant in the suit. In the event of such security not being furnished, the Court shall return the plaint to the plaintiff. (*Small Cause Courts.*)

Plaint to be returned if security be not furnished.

Security for costs may be required at any stage of suit, if it appear that plaintiff resides out of British India.

LXI. If at any stage of a suit it shall appear to the Court that the plaintiff (being sole plaintiff) is a person residing out of British India, and not possessing any land or other immoveable property within British India independent of the property in suit, the Court may order such plaintiff within a time to be fixed by the order, to furnish security for the payment of all costs incurred and likely to be incurred by the defendant in the suit. In the event of such security not being furnished within the time so fixed, the Court shall pass judgment against the plaintiff by default, unless he be permitted to withdraw from the suit under the provisions of Section CXLIII. (*Small Cause Courts.*)

Appeal from order rejecting plaint.

LXII. Whenever a plaint is rejected or returned under any of the foregoing Sections of this Chapter, or under Section XXII, a regular appeal shall lie from the order rejecting or returning the plaint. If the judgment passed in appeal involve a question of law or procedure under this Code, a special appeal shall lie from such judgment under the rules hereinafter prescribed for the admission and trial of special appeals.

In certain cases, rejection of plaint not to bar presentation of fresh plaint.

LXIII. The rejection of a plaint on any of the grounds mentioned in Sections XXII, LIV, and LVI shall not preclude a plaintiff from presenting a fresh plaint in respect of the same cause of action if not barred by the statute of limitation.—(*Small Cause Courts.*)

Proceeding in a suit for immoveable property in different jurisdictions.

LXIV. If the suit be for land or other immoveable property situate partly within the jurisdiction of the Court and partly within the jurisdiction of some other Court, the Court shall proceed according to the rules contained in Section XIX, Section XX, or Section XXI, as the case may be.

When the plaint is admissible, particulars to be entered in a Register.

LXV. If the Court consider the plaint admissible, the particulars mentioned in Section L shall be entered in a book to be kept for the purpose, and called the Register of Civil suits. The entries shall be numbered in every year according to the order in which the plaint is presented. The Register shall be kept in the form contained in the Schedule (B) to this Code annexed. (*Small Cause Courts.*)

Form of the Register.

Written document to be produced in Court when plaint is presented.

LXVI. If a plaintiff sue upon a written document or rely upon any such document as evidence in support of his claim, he shall produce such document in Court when the plaint is presented, and shall at the same time deliver a copy of the document to be filed with the plaint. The plaintiff may, if he think proper, deliver the original document to be filed instead of a copy. (*Small Cause Courts.*)

And copy filed with plaint.

If plaintiff wish, original may be filed instead of copy.

Shop-book, &c., to be produced. Original document to be marked and returned.

LXVII. If the document on which the plaintiff sues or relies as evidence in support of his claim be an entry in a shop-book or other book, the plaintiff shall produce the book to the Court together with a copy of the entry on which he relies. The Court shall forthwith mark the document for the purpose of identification; and after examining and comparing the copy with the original, shall return the document to the plaintiff. (*Small Cause Courts.*)

Document not produced when plaint presented to be inadmissible in evidence.

LXVIII. No document not produced in Court by the plaintiff when the plaint is presented, shall be received in evidence on his behalf at the hearing of the suit without the sanction of the Court. (*Small Cause Courts.*)

If plaintiff require production of document in possession of defendant.

LXIX. If the plaintiff require the production of any written document in the possession or power of the defendant, he may at the time of presenting the plaint deliver to the Court a description of the document, in order that the defendant may be required to produce the same. (*Small Cause Courts.*)

Of Summoning the Defendant.

On plaint being registered, summons to issue to defendant.

LXX. After the plaint has been registered, a summons under the signature of the Judge of the Court, or of the Registrar or Clerk of the Court where there is such an Officer, and under the seal of the Court, shall be issued to the defendant to appear and answer the claim on a day to be therein specified, in person or by an Advocate of the Court duly instructed and able to answer all material questions relating to the suit, or by an Advocate who shall be accompanied by some other person able to answer all such questions. (*Small Cause Courts.*)

Personal appearance of defendant or plaintiff.

LXXI. If the Court see reason to require the personal attendance of the defendant, the summons shall order the defendant to attend personally in Court on the day therein specified. If the Court see reason to require the personal attendance of the plaintiff on the same day, it may make an order for such attendance. (*Small Cause Courts.*)

Court may order personal appearance of a Director or Secretary in suits against a Corporation or Company.

LXXII. In suits against a Corporation or a Company authorized to sue and be sued in the name of an Officer or of a Trustee, the Court may if it think proper require the personal attendance of any Director, Secretary, or other principal Officer of the Corporation or Company who may be able to answer all material questions relating to the suit. (*Small Cause Courts.*)

No party to be ordered to attend in person unless resident within fifty miles.

LXXIII. No plaintiff or defendant shall be ordered to attend in person, who at the time is *bonâ fide* residing at a distance of more than fifty miles from the place where the Court is held, unless he be resident within the local limits of the jurisdiction of the Court. (*Small Cause Courts.*)

Or within the local jurisdiction of the Court.

Summons to be either to settle the issues, or for the final disposal of the case.

LXXIV. The Court shall determine at the time of issuing the summons whether it shall be for the settlement of issues only, or for the final disposal of the suit, and the summons shall contain a direction accordingly.

In Small Cause Courts summons to be for final disposal of suit.

LXXV. In every suit instituted in a Small Cause Court, the summons to the defendant shall be for the final disposal of the suit. (*Small Cause Courts.*)

The day for appearance of defendant how to be fixed.

LXXVI. The day for the appearance of the defendant shall be fixed by the Court with reference to the place of residence of the defendant and the time necessary for the service of the summons; and the day shall be so fixed as to allow the defendant a sufficient time to enable him to appear and answer on such day. (*Small Cause Courts.*)

Summons shall order defendant to produce documents.

LXXVII. The summons to appear and answer shall order the defendant to produce any written document in his possession or power, of which the plaintiff demands inspection, or upon which the defendant intends to rely in support of his defence. (*Small Cause Courts.*)

Form of summons.

LXXVIII. The summons shall be in the Form contained in the Schedule (C) to this Code annexed, or to the like effect. (*Small Cause Courts.*)

SERVICE OF SUMMONS ON THE DEFENDANT.

Summons shall be served by Officer of Court.

LXXIX. The summons shall be delivered to the proper Officer of the Court, to be served by himself or one of his subordinates. (*Small Cause Courts.*)

How service shall be made.

LXXX. Service of the summons shall be made by delivering or tendering a copy thereof under the signature of the Judge of the Court, or of the Registrar or Clerk of the Court where there is such an Officer, and under the seal of the Court. (*Small Cause Courts.*)

When there are several defendants.

LXXXI. When there are more defendants than one, service of the summons shall be made on each defendant. (*Small Cause Courts*).

Service to be on defendant in person, when practicable, or on duly empowered agent.

LXXXII. Whenever it may be practicable, the service shall be on the defendant in person, unless he have an agent empowered to accept the service, in which case service on such agent shall be sufficient. (*Small Cause Courts.*)

Service on agent by whom defendant carries on business, when sufficient.

LXXXIII. In a suit relating to any business or work for gain, service on the servant or agent of the person carrying on such business or work shall be deemed to be good service upon such person, although he does not reside within the local limits of the jurisdiction of the Court from which the summons issues; provided that such servant or agent himself at the time of such service personally carries on the business or work for gain for such person within such limits. (*Small Cause Courts.*)

If defendant cannot be found, and has no agent, service may be made on a male member of his family.

LXXXIV. If the defendant cannot be found, and if he have no agent empowered to accept the service of the summons on his behalf, the service may be made on any adult male member of the family of the defendant who is residing with him. (*Small Cause Courts.*)

In all cases the person served is to be required to endorse the summons.

LXXXV. When the summons is served on the defendant personally or on an agent or other person on his behalf, the serving Officer shall require the signature of the person on whom the service may be made, to an acknowledgment of service to be endorsed on the original summons or on a duplicate thereof signed and sealed as above. If such person refuse to sign the acknowledgment, the service of the summons shall nevertheless be held sufficient, if it be otherwise proved to the satisfaction of the Court. (*Small Cause Courts.*)

But service sufficient without.

If the summons cannot be served, a copy shall be fixed to the door of the dwelling house.

LXXXVI. If the defendant cannot be found, and there is no agent empowered to accept the service of the summons on his behalf, nor any other person on whom the service can be lawfully made, the serving Officer shall fix the copy of the summons on the outer door of the house in which the defendant is dwelling. (*Small Cause Courts.*)

If defendant do not dwell in the place mentioned, the summons shall be returned with an endorsement of non-service.

LXXXVII. If the defendant is not dwelling in the place mentioned in the summons, the serving Officer shall return the summons to the Court from whence it issued with an endorsement thereon that he has been unable to serve it. Provided that, if the serving Officer is informed that the defendant is to be found or has his dwelling in a place within the local limits of the jurisdiction of the Court other than that indicated in the summons, the Officer may proceed to that place to serve the summons, and may serve it there. (*Small Cause Courts.*)

Proviso.

If served, time and manner of service to be endorsed on summons.

LXXXVIII. The serving Officer shall, in all cases in which the summons has been served, endorse on the original summons or on a copy thereof signed and sealed as above, the time when and the manner in which the summons was served, and such endorsement shall be evidence of the service of the summons. (*Small Cause Courts.*)

When summons is returned unserved, Court to order substituted service if satisfied that the defendant is avoiding service.

LXXXIX. When a summons is returned without having been served, if the plaintiff shall satisfy the Court that there is reasonable ground for believing that the defendant is keeping out of the way for the purpose of avoiding the service of the summons, the Court shall order the summons to be served by fixing up a copy thereof signed and sealed as hereinbefore directed, upon some conspicuous place in the Court-house, and also upon the door of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. The service which shall be substituted by order of the Court, shall be as effectual

to all intents and purposes as if it had been effected in the manner above specified. (*Small Cause Courts.*)

When service is substituted, the time for appearance to be fixed.

XC. Whenever service shall be substituted by order of the Court under the last preceding Section, the Court shall fix such time for the appearance of the defendant as the case may require. (*Small Cause Courts.*)

How the summons is to be served when the defendant is resident within the jurisdiction of another Court and has no agent to accept service.

XCI. If the defendant be resident within the jurisdiction of any Court other than the Court in which the suit is instituted, and have no agent empowered to accept the service of the summons, the Court in which the suit is instituted shall transmit the summons, either by an Officer of the Court or by post, to any Court having jurisdiction at the place where the defendant resides, by which it can be most conveniently served, and shall fix such time for the appearance of the defendant as the case may require. The Court to which the summons is transmitted shall, upon receipt of the summons, deliver the same to the proper Officer of such Court, to be served in the manner above directed. Upon the return of the summons by the serving Officer, it shall be retransmitted to the Court from whence it originally issued. (*Small Cause Courts.*)

If defendant in Jail, summons to be served through Jailor.

XCII. If the defendant be in Jail under either Civil or Criminal process, the summons shall be delivered to the Officer in charge of the Jail in which the defendant is confined, and such Officer shall cause the summons to be served upon the defendant. The summons shall be returned to the Officer from whom it was received with the acknowledgment of the defendant endorsed thereupon and countersigned by the Officer in charge of the Jail. (*Small Cause Courts.*)

Procedure if Jail be in a different district.

XCIII. If the Jail in which the defendant is confined is not in the district in which the suit is brought, the summons may be transmitted by post or otherwise to the Officer in charge of the Jail in which the defendant is confined, and such Officer shall cause the summons to be served upon the defendant, and shall return the summons to the Court from which it issued with the acknowledgment of the defendant endorsed thereupon, and countersigned as provided in the last preceding Section. (*Small Cause Courts.*)

How the summons is to be served when the defendant resides out of British India and has no agent to accept service.

XCIV. If the defendant be resident out of British India, and have no agent empowered to accept the service, the summons shall be addressed to the defendant at the place where he may reside, and forwarded to him by post if there be a post to such place. (*Small Cause Courts.*)

Service through a British Resident or Agent of Government to be good.

XCV. If there be a British Resident or Agent of Government at the place where the defendant resides, the summons may be sent to such Resident or Agent by post or otherwise, and if the Resident or Agent shall serve the summons on the defendant such service shall be deemed good service. (*Small Cause Courts.*)

Time for appearance under the last two preceding Sections, how to be regulated.

XCVI. In any case falling within the last two preceding Sections, the time for the appearance of the defendant shall be regulated by the time which may be required for communication by post or otherwise between the place at which the Court is held and the place where the defendant resides; and if, on the day fixed for the hearing of the suit or on any day to which the hearing may be adjourned, the defendant shall not appear, the plaintiff may apply to the Court, and it shall be lawful for the Court to direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as to the Court may seem meet. (*Small Cause Courts.*)

In case of non-appearance of defendant, Court may direct suit to proceed subject to conditions.

In suits for immoveable property, service may in certain cases be made on agent in charge of such property.

XCVII. If the suit be for land or other immoveable property, and the summons for any reason cannot be served on the defendant in person, and the defendant have no agent empowered to accept the service of the summons, the summons may be served on any agent of the defendant in charge of such land or other immoveable property.

How service may be made on Government Servants.

XCVIII. If the defendant be in the service of the Government, the Court may transmit a copy of the summons to the head Officer of the Office in which the defendant is employed, for the purpose of being served on him, if it shall appear to the Court that the summons may be most conveniently so served. (*Small Cause Courts.*)

Service on Officers and Soldiers.

XCIX. If the defendant be an Officer or Soldier in the Military Service of the Government, the Court shall transmit a copy of the summons to the Commanding Officer of such Officer or Soldier for the purpose of being served on him. The Officer to whom the summons is transmitted, after causing the summons to be served on the person to whom it is addressed, if practicable, shall return it to the Court with the written acknowledgment of such person endorsed thereon. If from any cause the summons cannot be served upon the person to whom it is addressed, it shall be returned to the Court by which it was transmitted with information of the cause which has prevented the service. In such case the Court shall adopt such other means of serving the summons as it may deem proper. (*Small Cause Courts.*)

Service on a Corporation or Company.

C. When the suit is against a Corporation or a Company authorized to sue and be sued in the name of an Officer or of a Trustee, the summons may be served by leaving the same at the registered Office (if any) of the Corporation or Company, or sending it by post in a letter addressed to such Officer or Trustee at the Office of the Corporation or Company, or by giving it to any Director, Secretary, or other principal Officer of the Corporation or Company. (*Small Cause Courts.*)

In what case letter may be substituted for summons.

CI. Nothing contained in the preceding rules shall be construed to prevent the Court from substituting for the summons, a letter or other appropriate communication under the signature of the Judge of the Court, or of the Registrar or Clerk of the Court where there may be such an officer, and under the seal of the Court, when the person whose appearance is required is of a rank which entitles him to such mark of consideration. The letter or other communication shall contain all the particulars required to be stated in the summons, and subject to the provisions contained in the next succeeding Section it shall be treated in all respects as a summons. (*Small Cause Courts.*)

Mode of serving such letter.

CII. When a letter or other communication is substituted for a summons, it may be transmitted by post or by a special messenger selected by the Court, or in any other manner which the Court may deem sufficient: unless the party shall have an agent empowered to accept the service of the summons, in which case delivery to such agent shall be deemed good service. (*Small Cause Courts.*)

Of Suits against Government and Public Officers.

In suits against Government, summons to be served on Government Advocate.

CIII. If the suit be against the Government, the summons shall be served on the Government Advocate of the Court, or on any Advocate of the Court appointed to receive process on behalf of Government. (*Small Cause Courts.*)

Appearance and answer by Government.

CIV. The Court, in fixing the day for the Government to answer to the plaint, shall allow a reasonable time for the necessary communication with the Government through the proper channels, and for the issue of instructions to the Government Advocate to appear and answer on behalf of the Government, and may extend the time at its discretion on application being made for such extension. The Court may also, if it think proper, direct the attendance of some person on the part of the Government who may be able to answer all material questions relating to the suit. (*Small Cause Courts.*)

In suits against Government Officers for alleged official acts, summons to be served on them as hereinbefore provided.

CV. If the suit be against an Officer of the Government for an act which the plaintiff alleges to have been done by such Officer in his official capacity, the summons shall be served upon such Officer in the manner hereinbefore provided. (*Small Cause Courts.*)

Court may grant extension of time to enable Officer to make a reference to Government.

CVI. If the Officer on receiving the summons shall consider it proper to make a reference to Government before answering to the plaint, he may apply to the Court to grant such extension of the time fixed in the summons as may be necessary to enable him to make such reference and to receive orders thereon through the proper channel; and the Court upon such application may extend the time for so long as shall appear to it to be requisite. (*Small Cause Courts.*)

If Government undertake defence, Government Advocate to appear and apply that a note of his appearance be entered in the Register.

CVII. If the Government shall undertake the defence of the suit of the nature referred to in Section CV, the Government Advocate shall be furnished with authority to appear and answer to the plaint; and upon application made by him, the Court shall order a note to that effect to be entered in the Register. (*Small Cause Courts.*)

If no such application be made, case to proceed as in a suit between private parties.

CVIII. If such application shall not be made by the Government Advocate on or before the day fixed in the notice for the defendant to appear and answer to the plaint, the case shall proceed as in a suit between private parties, except that the defendant shall not be liable to arrest before judgment. (*Small Cause Courts.*)

But defendant not liable to arrest before judgment.

Government Officers may in certain cases be exempted from personal appearance.

CIX. If in a suit against an Officer of Government the Court shall require the personal attendance of the defendant, and the defendant shall satisfy the Court that he cannot absent himself from his duty without detriment to the public service, the Court shall exempt the defendant from attending in person, but he shall be liable to be examined in any way in which an absent witness may be examined. (*Small Cause Courts.*)

How Persons not before the Court may be made Parties to a Suit.

Court may direct that persons appearing to be interested in a suit shall be made parties to the suit and may cause notices to be served on such persons.

CX. If it appear to the Court at the hearing of a suit, that any person who may be entitled to, or who may claim some share or interest in, the subject matter of the suit, and who may be likely to be affected by the result, has not been made a party to the suit, the Court may direct that such person shall be made either plaintiff or defendant in the suit as the case may be. In such case the Court shall issue a notice to such person in the manner hereinbefore provided for the service of a summons on a defendant. (*Small Cause Courts.*)

Of Arrest before Judgment.

In suits for moveable property, when defendant is about to leave the jurisdiction, &c., plaintiff may apply that security be taken.

CXI. If in any suit, not being a suit for land or other immoveable property, the defendant, with intent to avoid or delay the plaintiff, or to obstruct or delay the execution of any decree that may be passed against him, is about to leave the jurisdiction of the Court, or has disposed of or removed from the jurisdiction of the Court his property or any part thereof, the plaintiff may, either at the institution of the suit, or at any time thereafter while the suit is pending, make an application to the Court that security be taken for the appearance of the defendant to answer any judgment that may be passed against him in the suit. (*Small Cause Courts.*)

Court may issue an order to bring up defendant to show cause why he should not give security.

CXII. If the Court, after examining the applicant, and making such further investigation as it may consider necessary, shall be of opinion that there is probable cause for believing that the defendant is about to leave the jurisdiction of the Court with the intent of avoiding or delaying the plaintiff, or that he has disposed of or removed from the jurisdiction of the Court his property or any part thereof with the intent to obstruct or delay the execution of any decree that may be passed against him, it shall be lawful for the Court to issue an order to the proper Officer, enjoining him to bring the defendant before the Court, that he may show cause why he should not give security for his appearance. (*Small Cause Courts.*)

If defendant fail to show cause, Court may order him to give security.

CXIII. If the defendant fail to show such cause, the Court shall order him to give security for his appearance at any time when called upon while the suit is pending, and until execution or satisfaction of any decree that may be passed against him in the suit; and the surety shall bind himself, in default of such appearance, to pay any sum of money that may be adjudged against the defendant in the suit, with costs. (*Small Cause Courts.*)

Appeal from such order.

CXIV. Any order made by the Court under the last preceding Section shall be open to appeal by the defendant.

Procedure in case of application by surety to be discharged.

CXV. The surety for the appearance of the defendant may at any time apply to the Court in which he became such surety, to be discharged from his obligation. On such application being made, the Court shall summon the defendant to attend, or if it shall think fit may issue a warrant for his arrest in the first instance. On the appearance of the defendant pursuant to the summons or warrant, or on his voluntary surrender, the Court shall direct the surety to be discharged from his obligation, and shall call upon the defendant to find fresh security. (*Small Cause Courts.*)

Defendant to be committed to jail if he cannot give fresh security.

CXVI. In the event of the defendant not furnishing fresh security, the Court may commit him to Jail until the decision of the suit, or if judgment be given against the defendant, until the execution of the decree if the Court shall so order, or for such time as the Court shall direct. (*Small Cause Courts.*)

Compensation to defendant arrested on insufficient grounds.

CXVII. If it shall appear to the Court that the arrest of the defendant was applied for on insufficient grounds, or if the suit of the plaintiff is dismissed, or judgment is given against him by default or otherwise, and it shall appear to the Court that there was no probable ground for instituting the suit, the Court may, on the application of the defendant, award against the plaintiff in its decree such amount, not exceeding the sum of one thousand Rupees, as it may deem a reasonable compensation to the defendant for any injury or loss which he may have sustained by reason of such arrest. Provided that the Court shall not award a larger amount of compensation under this Section than it is competent to such Court to decree in an action for damages. An award of compensation under this Section shall bar any suit for damages in respect of such arrest. (*Small Cause Courts.*)

Proviso.

When the defendant is about to leave British India, a similar application for security may be made.

CXVIII. If in any suit the defendant is about to leave British India with intent to remain absent so long that the plaintiff will or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant, the plaintiff may make an application to the Court to the effect and in the manner aforesaid, and the procedure thereupon shall be in all respects the same as hereinbefore provided. (*Small Cause Courts.*)

OF ATTACHMENT BEFORE JUDGMENT.

In what cases plaintiff may apply before judgment for security from defendant to fulfil decree, and in default, for an attachment of defendant's property.

CXIX. If the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of the whole or any part of his property or to remove the same from the jurisdiction of the Court where the suit is pending, the plaintiff may apply to the Court, either at the time of the institution of the suit or at any time thereafter while the suit is pending, to call upon the defendant to furnish security to fulfil any decree that may be passed against him in the suit, and, on his failing to give such security, to direct that any property moveable or immoveable belonging to the defendant shall be attached until the further order of the Court. (*Small Cause Courts.*)

Application how to be made.

CXX. The application shall contain a specification of the property required to be attached, and the estimated value of each article or item thereof; and the plaintiff shall, at the time of making the application, declare that the defendant is about to dispose of or remove his property with such intent as aforesaid. The declaration shall be in writing and shall be verified in the manner hereinbefore provided for the verification of plaints. (*Small Cause Courts.*)

Court how to proceed if satisfied that defendant is about to remove property.

CXXI. If the Court, after examining the applicant, and making any further investigation which it may consider necessary, shall be satisfied that the defendant is about to dispose of or remove his property, with intent to obstruct or delay the execution of any decree that may be passed against him, it shall be lawful for the Court to issue an order to the proper Officer, commanding him to call upon the defendant, within a time to be fixed by the Court, either to furnish security in such sum as may be specified in the order, to produce and place at the disposal of the Court, when required, the said property or the value of the same, or such portion thereof as may be sufficient to fulfil the decree, or to appear and shew cause why he should not furnish security. The Court may also in the order direct the attachment of the whole or any portion of the property specified in the application. (*Small Cause Courts.*)

If cause be not shown, or security be not furnished, property may be attached.

CXXII. If the defendant fail to show cause why he should not furnish security, or fail to furnish the security required within the time fixed by the Court, the Court may order that the property specified in the application or such portion thereof as shall appear to be sufficient to fulfil any decree which may be passed in the suit shall be attached. If the defendant show such cause or furnish the required security, and the property specified in the application or any portion of it shall have been ordered to be attached, the Court shall order the attachment to be withdrawn. (*Small Cause Courts.*)

Withdrawal of attachment.

How the attachment is to be made.

CXXIII. The attachment shall be made, according to the nature of the property to be attached, in the manner hereinafter provided for the attachment of property in execution of a decree for money. (*Small Cause Courts.*)

Appeal from order under Section CXXII.

CXXIV. Any order for the attachment of property under Section CXXII shall be open to appeal by the defendant.

Claims to property attached before judgment, how to be investigated.

CXXV. If any claim be preferred to the property attached before judgment, such claim shall be investigated in the manner hereinafter provided for the investigation of claims to property attached in execution of a decree for money. (*Small Cause Courts.*)

Attachment may be removed when security is furnished.

CXXVI. When an order of attachment before judgment is passed, the Court which passed the order shall at any time remove the attachment, on the defendant furnishing the security required, together with security for the costs of the attachment. (*Small Cause Courts.*)

Compensation for attachment applied for on insufficient grounds, &c.

CXXVII. If it shall appear to the Court that the attachment was applied for on insufficient grounds, or if the suit of the plaintiff is dismissed or judgment is given against him by default or otherwise, and it shall appear to the Court that there was no probable ground for instituting the suit, the Court may, on the application of the defendant, award against the plaintiff in its decree such amount, not exceeding the sum of one thousand Rupees, as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the attachment of his property. Provided that the Court shall not award a larger amount of compensation under this Section than it is competent to such Court to decree in an action for damages. An award of compensation under this Section shall bar any suit for damages in respect of such attachment. (*Small Cause Courts.*)

Proviso.

Attachment not to affect the rights of persons not parties to the suit, nor bar the execution of decrees.

CXXVIII. Attachments before judgment shall not affect the rights of persons not parties to the suit, nor bar any person holding a decree against the defendant from applying for the sale of the property under attachment in execution of such decree. (*Small Cause Courts.*)

Court may stay the sale of property already under attachment, when execution of a decree fraudulently obtained is applied for.

CXXIX. If it shall appear to the Court, by whose order the property shall have been ordered to be attached before judgment, that there is reasonable ground for supposing that the decree, in satisfaction of which the sale of the property is applied for under the provisions of the last preceding Section, was obtained by fraud or other improper means, the Court may refuse to allow the property to be sold in execution if the decree be a decree of that Court; or if it be a decree of another Court, may stay the proceedings for a reasonable time to enable the party on whose application the property was ordered to be attached, to adopt proceedings to set aside the decree. (*Small Cause Courts.*)

Special case in which party may be put in immediate possession of land the subject of suit.

CXXX. When land paying revenue to Government, or a tenure liable to summary sale, forms the subject of a suit, if the party in possession of such land or tenure shall neglect to pay the Government revenue, or the rent due to the proprietor of the estate, as the case may be, and a sale shall in consequence be ordered to take place, the party not in possession shall, upon payment of the revenue or rent due previously to the sale (and with or without security at the discretion of the Court), be put in immediate possession of the land or tenure; and the Court in its decree may award against the defendant the amount so paid, with interest thereupon at such rate as to the Court may seem fit, or may charge the amount so paid, with interest thereupon, at such rate as the Court may order, in any adjustment of accounts which may be directed in the decree upon the suit.

OF EX PARTE ORDERS TO PERFORM A CONTRACT OR PART OF A CONTRACT.

Ex parte order for specific performance of a contract.

CXXXI. In any suit brought under Section XXIII for the specific performance of a contract, or of a part of a contract, the Court may at any time, on the application of the plaintiff, and whether the defendant be present or not, make an order for the immediate performance of the contract or part thereof, if the Court shall be satisfied that the contract or part thereof in respect of which the application is made, is capable of being immediately performed by the defendant, and that the plaintiff is likely to be materially prejudiced by any delay in the making of such order, and that the application is *bonâ fide*. In any case in which the Court shall make such order *ex parte*, the Court shall impose on the plaintiff such terms as shall seem just. (*Small Cause Courts.*)

Order what to direct.

CXXXII. The order shall direct the defendant, within a time to be fixed in the order, to comply with the same, or within such time to appear in Court and show cause why the order should not be enforced. (*Small Cause Courts.*)

Order how to be enforced.

CXXXIII. If the defendant shall not within the time allowed, comply with the order, or appear to show cause why the order should not be enforced, the Court may direct that the order be enforced by the imprisonment of the defendant, or by the attachment of his moveable property to such an extent as shall

to the Court seem proper, or by both the imprisonment of the defendant and the attachment of his moveable property. (*Small Cause Courts.*)

If defendant after arrest does not show cause, why order should not be enforced.

CXXXIV. If the defendant be arrested, he shall be brought before the Court, and if he shall fail to show cause why the order should not be enforced, the Court may commit him to jail and keep him in confinement until the decision of the suit, unless the defendant shall undertake to comply with the order of the Court, and shall satisfy the Court that he intends to fulfil his engagement. (*Small Cause Courts.*)

Compensation may be awarded where an order made for specific performance has been applied for on insufficient grounds, or if the suit be dismissed, or judgment be given against the plaintiff.

CXXXV. If it shall appear to the Court that the order for immediate performance made under Section CXXXI was applied for on insufficient grounds, or if the suit of the plaintiff is dismissed, or judgment is given against him by default or otherwise, and it shall appear to the Court that there was no probable ground for instituting the suit, the Court may on the application of the defendant award against the plaintiff such sum, not exceeding one thousand Rupees, as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the making such order. Provided that the Court shall not award a larger amount of compensation under this Section than it is competent to such Court to decree in an action for damages. An award of compensation under this Section shall bar any suit for damages in respect of any such order. (*Small Cause Courts.*)

Proviso.

Of Injunctions.

Cases in which an injunction to stay waste, &c., may be granted.

CXXXVI. If it be shown to the satisfaction of the Court that any property which is in dispute in a suit is in danger of being wasted, damaged, or alienated by any party to the suit, it shall be lawful for the Court to issue an injunction to such party, commanding him to refrain from doing the particular act complained of, or to give such other order for the purpose of staying and preventing the wasting, damaging, or alienating the property, as to the Court may seem meet.

Before granting injunction, Court may direct notice to be given to opposite party.

CXXXVII. The Court may in every case, before granting an injunction, direct notice of the application for the same to be given to the opposite party.

Receiver or Manager may be appointed.

CXXXVIII. Whenever it may appear to the Court to be necessary for the preservation or the better management or custody of any property which is in dispute in a suit, it shall be lawful for the Court to appoint a Receiver or Manager of such property, and if need be to remove the person in whose possession or custody the property may be, from the possession or custody thereof, and to commit the same to the custody of such Receiver or Manager, and to grant to such Receiver or Manager such fee or commission on the rents and profits of the property by way of remuneration, and all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as to the Court may seem proper.

When the Collector may be appointed Receiver.

CXXXIX. If the property be land paying Revenue to Government, and it is considered that the interests of those concerned will be promoted by the management of the Collector, the Court may appoint the Collector to be Receiver and Manager of such land, unless the Government shall by any general order prohibit the appointment of Collectors for such purpose, or shall in any particular case prohibit the appointment of the Collector to be such Receiver.

In suits to restrain breach of contract, &c.

CXL. In any suit for restraining the defendant from the committal of any breach of contract or other injury, and whether the same be accompanied with any claim for damages or not, it shall be lawful for the plaintiff, at any time after the commencement of the suit, and whether before or after judgment, to apply to the Court for an injunction to restrain the defendant from the repetition or the continuance of the breach of contract or wrongful act complained of, or the committal of any breach of contract or injury of a like kind arising out of the same contract or relating to the same property or right.

Injunction may be granted to restrain repetition or continuance of breach.

Such injunction may be granted by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to the Court shall seem just, and in case of disobedience such injunction may be enforced by the imprisonment of the defendant or the attachment of his moveable property or both, in the same manner as an order or decree for specific performance: provided always that any order for an injunction may be discharged or varied or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Proviso.

Appeal from orders under Sections CXXXVI or CXL.

CXLI. Any order made under Section CXXXVI or Section CXL, shall be open to appeal by the defendant.

Compensation to defendant if injunction was applied for on insufficient grounds &c.

CXLII. If it shall appear to the Court that the injunction was applied for on insufficient grounds, or if the claim of the plaintiff is dismissed or judgment is given against him by default or otherwise, and it shall appear to the Court that there was no probable ground for instituting the suit, the Court may, on the application of the defendant, award against the plaintiff in its decree such sum, not exceeding one thousand rupees, as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the issue of the injunction. Provided that the Court shall not award a larger amount of compensation under this Section than it is competent to such Court to decree in an action for damages. An award of compensation under this Section shall bar any suit for damages in respect of the issue of the injunction.

Proviso.

OF THE WITHDRAWAL AND ADJUSTMENT OF SUITS.

Court may allow plaintiff to withdraw from a suit, with liberty to bring a fresh suit.

CXLIII. If the plaintiff, at any time before judgment, satisfy the Court that there are sufficient grounds for permitting him to withdraw from the suit with liberty to bring a fresh suit for the same matter, it shall be competent to the Court to grant such permission on such terms as to costs or otherwise as it may deem proper. If the plaintiff withdraw from the suit without such permission, he shall be liable for the costs and shall be precluded from bringing a fresh suit for the same matter. (*Small Cause Courts.*)

Law as to limitation of actions not affected by the first suit.

CXLIV. In any fresh suit instituted on permission granted under the last preceding Section, the plaintiff shall be bound by the rules for the limitation of actions in the same manner as if the first suit had not been brought. (*Small Cause Courts.*)

Adjustment by mutual agreement or compromise.

CXLV. If a suit shall be adjusted by mutual agreement or compromise, or if the defendant satisfy the plaintiff in respect to the matter of the suit, such agreement, compromise, or satisfaction shall be recorded, and the suit shall be disposed of in accordance therewith. (*Small Cause Courts.*)

Court may grant certificate for refund of half stamp duty on plaint, if suit be adjusted.

CXLVI. On the application of the plaintiff reciting the substance of such agreement, compromise, or satisfaction, if such application shall have been presented before the suit is called up for the settlement of issues, or, in a suit in which the summons to the defendant shall be for the final disposal of the suit if such application shall have been presented before the hearing of the suit has commenced, the Court, if satisfied that such agreement, compromise, or satisfaction, has been actually entered into or made, shall grant a certificate to the plaintiff authorizing him to receive back from the Collector half the amount of stamp duty, if any, paid on the plaint. Provided that no such certificate shall be granted, if the adjustment between the parties be such as to require a decree to pass on which process of execution can be taken out. (*Small Cause Courts.*)

Proviso.

OF THE DEATH, MARRIAGE, AND BANKRUPTCY OR INSOLVENCY OF PARTIES.

Suit not to abate by death if cause of action survive.

CXLVII. The death of a plaintiff or defendant shall not cause the suit to abate if the cause of action survive. (*Small Cause Courts.*)

Proceeding in case of death of one of several plaintiffs or defendants, if the cause of action survives.

CXLVIII. If there be two or more plaintiffs or defendants, and one of them die, and if the cause of action survive to the surviving plaintiff or plaintiffs alone, or against the surviving defendant or defendants alone, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.—(*Small Cause Courts.*)

Proceeding in case of death of one of several plaintiffs, where the cause of action survives to the survivor and the representative of the deceased.

CXLIX. If there be more plaintiffs than one, and any of them die, and if the cause of action shall not survive to the surviving plaintiff or plaintiffs alone but shall survive to him or them and the legal representative of the deceased plaintiff jointly, the Court may, on the application of the legal representative of the deceased plaintiff, enter the name of such representative in the Register of the suit in the place of such deceased plaintiff, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs and such legal representative of the deceased plaintiff. (*Small Cause Courts.*)

If no application be made by representative, suit how to proceed.

CL. If no application shall be made to the Court by any person claiming to be the legal representative of the deceased plaintiff, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs; and the legal representative of the deceased plaintiff shall be interested in and shall be bound by the judgment given in the suit, in the same manner as if the suit had proceeded at his instance conjointly with the surviving plaintiff or plaintiffs. (*Small Cause Courts.*)

Proceeding in case of death of sole, or sole surviving, plaintiff.

CLI. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, on the application of the legal representative of the deceased plaintiff enter the name of such representative in the place of such plaintiff in the Register of the suit, and the suit shall thereupon proceed. (*Small Cause Courts.*)

If no application be made by representative, Court how to proceed.

CLII. If no such application shall be made to the Court, within what it may consider a reasonable time, by any person claiming to be the legal representative of the deceased sole plaintiff or sole surviving plaintiff, it shall be competent to the Court to pass an order that the suit shall abate, and to award to the defendant the costs which he may have incurred in defending the suit, to be recovered from the estate of the deceased sole plaintiff or surviving plaintiff; or the Court may, if it think proper, on the application of the defendant, and upon such terms as to cost as may seem fit, pass such other order for bringing in the legal representative of the deceased sole plaintiff or sole surviving plaintiff and for proceeding with the suit in order to a final determination of the matter in dispute, as may appear just and proper in the circumstances of the case. (*Small Cause Courts.*)

Proceeding in case of dispute as to who is the legal representative of a deceased plaintiff.

CLIII. If any dispute arise as to who is the legal representative of a deceased plaintiff, it shall be competent to the Court either to stay the suit until the fact has been duly determined in another suit, or to decide at or before the hearing of the suit who shall be admitted to be such legal representative for the purpose of prosecuting the suit. (*Small Cause Courts.*)

Proceeding in case of death of one of several defendants, or of a sole or sole surviving defendant.

CLIV. If there be more defendants than one, and any of them die, and the cause of action shall not survive against the surviving defendant or defendants alone, and also in case of

the death of a sole defendant, or sole surviving defendant, where the action survives, the plaintiff may make an application to the Court, specifying the name, description, and place of abode of any person whom the plaintiff alleges to be the legal representative of the deceased defendant, and whom he desires to be made the defendant in his stead; and the Court shall thereupon enter the name of such representative in the Register of the suit in the place of such defendant, and shall issue a summons to such representative to appear on a day to be therein mentioned to defend the suit; and the case shall thereupon proceed in the same manner as if such representative had originally been made a defendant and had been a party to the former proceedings in the suit. (*Small Cause Courts.*)

Marriage of female plaintiff or defendant not to abate suit.

CLV. The marriage of a woman, plaintiff or defendant, shall not cause the suit to abate, but the suit may notwithstanding be proceeded with to judgment, and the decree thereupon may be executed against the wife alone. If the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may with the permission of the Court be issued upon the application of the husband, where the husband is by law entitled to the money or thing which may be the subject of the decree. (*Small Cause Courts.*)

Bankruptcy or insolvency when not to abate the suit.

CLVI. The bankruptcy or insolvency of a plaintiff in any suit which the Assignee might maintain for the benefit of the creditors shall not be a valid objection to the continuance of such suit, unless the Assignee shall decline to continue the suit and to give security for the costs thereof within such reasonable time as the Court may order. If the Assignee neglect or refuse to continue the suit and to give such security within the time limited by the order, the defendant may within eight days after such neglect or refusal plead the bankruptcy or insolvency of the plaintiff as a reason for abating the suit. (*Small Cause Courts.*)

Of Notices to produce, and how they are to be Served.

Notice to produce to party to the suit to be served through the Court.

CLVII. When a party to a suit desires that any document, writing, or other thing which he believes to be in the possession or power of any other party to the suit shall be produced at any hearing of the suit, and the production of such document, writing, or other thing has not previously been required under the provisions of Sections LXIX and LXXVII, such party shall at the earliest opportunity deliver to the Court two notices in writing to the party in whose possession or power he believes the document, writing, or other thing to be, calling upon him to produce the same. One of such notices shall be filed in Court, and the other shall be delivered by the Court to the proper Officer, to be served upon such party. (*Small Cause Courts.*)

Of the appearance of the Parties and consequences of non-appearance.

Parties must appear and answer on day fixed in summons.

CLVIII. On the day fixed in the summons for the defendant to appear and answer, the parties shall be in attendance at the Court house, and the suit shall then be heard unless the hearing be adjourned to a future day which shall be fixed by the Court. (*Small Cause Courts.*)

If summons has not been served in consequence of failure of plaintiff to deposit cost, suit may be dismissed.

CLIX. If on the day fixed for the defendant to appear and answer to a suit, it shall be found that the summons to the defendant has not been served in consequence of the failure of the plaintiff to deposit, within the time allowed, the sum required to defray the cost of issuing the summons, the Court may order that the suit be dismissed. Provided that no such order shall be passed, although the summons shall not have been served upon the defendant, if on the day fixed for the defendant to appear and answer, he shall have entered an appearance by an Advocate or by a duly authorized agent, when he is allowed to appear by agent, or shall be in attendance in person. (*Small Cause Courts.*)

Proviso.

In case of dismissal of suit under preceding Section, fresh suit may be instituted.

CLX. Whenever a suit is dismissed under the provisions of the last preceding Section, the plaintiff shall be at liberty to institute a fresh suit unless precluded by the rules for the limitation of actions: or if the plaintiff shall satisfy the Court within the period of thirty days from the date of the order dismissing the suit, that there was a sufficient excuse for his not making the deposit required within the time allowed, the Court may order a fresh summons to issue upon the plaint already filed. (*Small Cause Courts.*)

Or Court may grant fresh summons.

If neither party appear, suit to be dismissed.

CLXI. If on the day fixed for the defendant to appear and answer, or any other day subsequent thereto to which the hearing of the suit may be adjourned, neither party shall be in attendance when duly called upon by the Court, the suit shall be dismissed. (*Small Cause Courts.*)

In such case plaintiff may bring fresh suit.

CLXII. Whenever a suit is dismissed under the provisions of the last preceding Section, the plaintiff shall be at liberty to bring a fresh suit unless precluded by the rules for the limitation of actions; or if he shall within the period of thirty days from the date of the order dismissing the suit, satisfy the Court that there was a sufficient excuse for his non-attendance, the Court may issue a fresh summons upon the plaint already filed. (*Small Cause Courts.*)

Or Court may issue fresh summons.

If plaintiff only appear, Court to proceed *ex parte*, if service of summons proved.

CLXIII. If the plaintiff shall attend and the defendant shall not attend, and it shall be proved to the satisfaction of the Court that the summons was duly served, the Court shall proceed to hear the suit *ex parte* whether the summons was for the final disposal of the suit or for

the settlement of issues only. (*Small Cause Courts.*)

If defendant attend on day of adjourned hearing, and assign good cause for his previous non-appearance, he may be heard.

CLXIV. If the defendant attend on any subsequent day to which the hearing of the suit is adjourned, and shall assign good and sufficient cause for his previous non-attendance, he may, upon such terms as the Court may direct as to payment of costs or otherwise, be heard in answer to the suit, in like manner as if he had attended on the day fixed for his attendance. (*Small Cause Courts.*)

If plaintiff only attend, and due service of summons be not proved, Court may order issue of second summons.

CLXV. If the plaintiff shall attend and the defendant shall not attend, and it shall not be proved to the satisfaction of the Court that the summons was duly served in any of the modes of service hereinbefore provided, the Court may direct a second summons to the defendant to be issued in any of the said modes. (*Small Cause Courts.*)

If plaintiff only attend, and it be proved that summons was served, but not in due time, Court may adjourn hearing and direct notice to be given to defendant.

CLXVI. If the plaintiff shall attend and the defendant shall not attend, and it shall be proved to the satisfaction of the Court that the summons was served on the defendant, but not in sufficient time to enable the defendant to attend and answer on the day fixed in the summons, the Court shall postpone the hearing of the suit to a future day to be fixed by the Court, and may direct notice of such day to be given to the defendant. (*Small Cause Courts.*)

If defendant only attend, Court to pass judgment by default against plaintiff, unless defendant admit claim.

CLXVII. If the defendant shall attend and the plaintiff shall not attend, the Court shall pass judgment against the plaintiff by default, unless the defendant admit the claim, in which case the Court shall pass judgment against the defendant upon such admission. (*Small Cause Courts.*)

No fresh suit after judgment against plaintiff by default.

CLXVIII. When judgment is passed against a plaintiff by default, he shall be precluded from bringing a fresh suit in respect of the same cause of action. (*Small Cause Courts.*)

If there be several plaintiffs or defendants, one or more may be authorized to appear for others.

CLXIX. When there are more plaintiffs than one, any one or more of them may be authorized to appear, plead, and act for the other or others of them; and in like manner when there are more defendants than one, any one or more of them may be authorized to appear, plead, and act for the other or others of them: provided that the authority shall in all cases be in writing, and shall be filed in the Court. The authority when so filed, shall be as effectual to all intents and purposes as if the person authorized by it to appear, plead, and act, were an Advocate of the Court. (*Small Cause Courts.*)

Proviso.

Consequence of non-attendance of one or more of several plaintiffs.

CLXX. If there are more plaintiffs than one, and one or more of them shall attend in person or by an Advocate or by a co-plaintiff duly authorized, and the other or others of them shall not attend in person or by an Advocate or by a co-plaintiff duly authorized, it shall be competent to the Court to proceed with the suit at the instance of the plaintiff or plaintiffs who shall have attended, in the same way as if all the plaintiffs had attended, and to pass such order as may be just in the circumstances of the case. (*Small Cause Courts.*)

Consequence of non-attendance of one or more of several defendants.

CLXXI. If there are more defendants than one, and one or more of them shall attend in person or by an Advocate or by a co-defendant duly authorized, and the other or others of them shall not attend in person or by an Advocate or by a co-defendant duly authorized, the Court shall proceed with the suit, and shall at the time of passing judgment, give such order with respect to the defendant or defendants who shall not have attended as shall seem just in the circumstances of the case. (*Small Cause Courts.*)

Consequence of non-attendance, without sufficient cause shown, of party ordered to appear in person.

CLXXII. If a plaintiff or defendant who shall have been ordered to attend in person under the provisions of Section LXXI or Section LXXII shall not attend in person, or show sufficient cause to the satisfaction of the Court for failing so to attend, such plaintiff or defendant shall be subject to all the provisions of the foregoing Sections applicable to plaintiffs and defendants respectively, who do not attend. (*Small Cause Courts.*)

Court to receive on unstamped paper written declaration in support of cause shown.

CLXXIII. In support of the cause shown by a plaintiff or defendant for failing to attend in person, the Court shall receive any declaration in writing on unstamped paper, if signed by such plaintiff or defendant and verified in the manner hereinbefore provided for the verification of plaints. (*Small Cause Courts.*)

No appeal from judgments passed *ex parte* against defendant or against plaintiff by default.

CLXXIV. No appeal shall lie from a judgment passed *ex parte* against a defendant who has not attended, or from a judgment against a plaintiff by default for non-attendance.

When and how judgment passed *ex parte* against a defendant may be set aside.

CLXXV. In any case in which judgment shall be passed *ex parte* against a defendant under Section CLXIII, he may apply within a reasonable time, not exceeding thirty days after any process for enforcing the judgment has been executed, to the Court by which the judgment was passed for an order to set it aside; and if it shall be proved to the satisfaction of the Court that the summons was not duly served, or that the defendant was prevented by any sufficient cause from attending when the suit was called on for hearing, the Court shall pass an order to set aside the judgment, and shall appoint a day for proceeding with the suit. (*Small Cause Courts.*)

When and how judgment passed against a plaintiff by default may be set aside.

CLXXVI. In any case in which judgment may be passed against a plaintiff by default under Section CLXVII, he may apply within thirty days from the date of the judgment, for an order to set it aside; and if it shall be proved to the satisfaction

of the Court that the plaintiff was prevented by any sufficient cause from attending when the suit was called on for hearing, the Court shall pass an order to set aside the judgment by default, and shall appoint a day for proceeding with the suit. (*Small Cause Courts.*)

No judgment to be set aside without notice to opposite party.

CLXXVII. No judgment shall be set aside on any such application as aforesaid, unless notice thereof shall have been served on the opposite party. (*Small Cause Courts.*)

Order for setting aside judgment shall be final.

In appealable cases, an appeal shall lie from order of rejection.

CLXXVIII. In every case in which the Court shall pass an order under Section CLXXV or Section CLXXVI, for setting aside a judgment, the order shall be final; but in cases open to appeal, in which the Court shall reject the application, an appeal shall lie from the order of rejection to the Court to which the final decision in the suit would be appealable; provided that the appeal be preferred within the time allowed for an appeal from such final decision, and be written upon stamp paper of the value prescribed for petitions to the Court where a stamp is required for petitions. (*Small Cause Courts.*)

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Deposit by defendant of amount considered by him to be in full satisfaction of claim, with costs up to date.

CLXXIX. The defendant in any suit involving a claim to money, may at any stage of the suit deposit in Court such sum of money as he considers a satisfaction in full of the claim of the plaintiff, together with the costs incurred by the plaintiff up to the time of such deposit. Notice of the deposit shall be given to the plaintiff, and the amount of the deposit shall be paid to the plaintiff on his application. No interest shall be allowed to the plaintiff on any sum deposited by the defendant from the date of the receipt of such notice, whether the sum deposited be in full of the claim of the plaintiff or fall short thereof.

Notice of deposit.

Interest on sum deposited not allowed to plaintiff after receipt of notice.

Plaintiff not barred from proceeding for sum claimed to be due in excess of amount deposited by defendant.

CLXXX. Nothing in the last preceding Section shall be held to bar the plaintiff, in any case in which the defendant shall deposit less than the amount claimed by the plaintiff, from proceeding in the suit for the recovery of the balance.

Of Written Statements.

Written statements may be tendered by the parties at the first hearing of the suit.

CLXXXI. The parties at the first hearing of the suit may tender written statements of their respective cases, and the Court shall receive such statements and put them on the record. Written statements shall be on the stamp paper prescribed for petitions to the Court where a stamp is required for petitions.

To be on stamp paper.

Particulars of set-off may be given in a written statement.

CLXXXII. If in a suit for debt, the defendant desire to set-off against the claim of the plaintiff the amount of any debt due to him from the plaintiff, a suit for the recovery of which is not barred by the rules of limitation, he may at the first hearing of the suit, but not afterwards unless permitted by the Court, tender a written statement containing the particulars of his demand, and the Court shall thereupon enquire into the same. Provided that, if the sum claimed by the defendant exceed the amount cognizable by the Court, the defendant shall not be allowed to set-off the same unless he abandon the excess. (*Small Cause Courts.*)

Abandonment of excess of set-off.

No written statement to be received after first hearing, unless called for by the Court.

CLXXXIII. Except as provided in the last preceding Section, no written statement shall be received after the first hearing of the suit, unless called for by the Court. But it shall be competent to the Court, at any time before final judgment, to call for a written statement, or an additional written statement from any of the parties. When such statements are called for by the Court, they may be received on plain paper.

Court may at any time call for a written statement.

How written statements are to be framed.

CLXXXIV. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to the other; but each statement shall be confined as much as possible to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove if called upon by the Court. (*Small Cause Courts.*)

Written statements to be subscribed and verified.

CLXXXV. Written statements shall be subscribed and verified in the manner hereinbefore provided for subscribing and verifying plaints, and no written statement shall be received unless it be so subscribed and verified. (*Small Cause Courts.*)

Court may reject a written statement which is argumentative, prolix, or irrelevant.

CLXXXVI. If it shall appear to the Court that any written statement, whether the same have been spontaneously tendered or have been called for by the Court, is argumentative, or unnecessarily prolix, or that it contains matter irrelevant to the suit, the Court may by an order to be endorsed thereon reject the same, and return it to the party with the order of rejection so endorsed. It shall not be competent to a party whose written statement has been rejected to present another written statement, unless it shall be expressly called for or allowed by the Court. (*Small Cause Courts.*)

Of the Examination of the Parties.

Oral examination of party, &c

CLXXXVII. At the first hearing of the suit, or at any subsequent hearing, any party who appears in person or is present in Court, or the Advocate of any party, or if the Advocate be accompanied by another person able to answer all material questions relating to the suit, then

such other person may be examined orally by the Court. *(Small Cause Courts.)*

When to be on oath, affirmation, or otherwise.

CLXXXVIII. Such examination, if of a party to the suit, or of a person appearing to answer questions in his behalf, not being the Advocate of the party in the suit, shall be upon oath, or affirmation, or otherwise, according to the provisions of the law for the time being in force in relation to the examination of witnesses. The substance of the examination shall be reduced to writing and shall form part of the record. *(Small Cause Courts.)*

Substance of the examination to be written.

Consequence of refusal of a party to answer.

CLXXXIX. If any party who appears in person, or is present in Court, shall without lawful excuse refuse to answer any material question relating to the suit which the Court may think proper to put to such party, the Court may pass judgment against him, or make such other order in relation to the suit as it may deem proper in the circumstances of the case. *(Small Cause Courts.)*

Consequence of refusal or inability of Advocate to answer.

CXC. If the Advocate of any party who shall appear by an Advocate, shall refuse or be unable to answer any material question relating to the suit which the Court is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Court may postpone the hearing of the suit to a future day and direct that such party shall attend in person on such day. If the party so directed to attend shall without lawful excuse fail to attend in person on the day to be so appointed, the Court may pass judgment against him, or make such other order in relation to the suit as it may deem proper in the circumstances of the case. *(Small Cause Courts.)*

Of the Production of Documents.

Documentary evidence to be produced at first hearing.

CXCI. The documentary evidence of every description on which the parties to a suit may intend to rely, and which may not already have been filed in Court, and all documents, writings, or other things which shall have been specified in any notice to produce, which may have been served on the parties or any of them within a reasonable time before the hearing of the suit, shall be produced at the first hearing of the suit on being called for by the Court. No documentary evidence of any kind, which the parties or any of them may desire to produce, shall be received at any subsequent stage of the proceedings unless good cause be shown to the satisfaction of the Court for the non-production thereof at the first hearing. *(Small Cause Courts.)*

Exhibits to be received and inspected by the Court.

Rejection of exhibits.

CXCII. The Court shall receive and inspect the exhibits produced by the parties. The Court may reject any exhibit which it considers irrelevant or otherwise inadmissible, recording the grounds of such rejection. *(Small Cause Courts.)*

Court may receive in evidence unstamped or insufficiently stamped Deeds, on payment of proper Stamp Duty and penalty.

CXCIII. If a deed, instrument, or writing be exhibited in evidence, not bearing the stamp prescribed by any law for the time being in force, the Court, if satisfied that the omission or neglect to execute such deed, instrument, or writing on paper bearing the proper stamp did not arise from any intention to evade payment of the Stamp Duty prescribed for such deed, instrument, or writing, or otherwise to defraud the Government, may receive in evidence such deed, instrument, or writing, on payment into Court of the proper Stamp Duty and (as a penalty) double the amount of such Stamp Duty; or if the deed, instrument, or writing shall be insufficiently stamped, on payment into Court of such sum as with the amount of the stamp upon such deed, instrument, or writing shall suffice to complete the prescribed amount, and (as a penalty) double the sum required to complete the same. The proper amount to be paid into Court under this Section shall in each case be determined by the Court, whose decision on the point shall be final. *(Small Cause Courts.)*

Entry of payment under preceding Section.

CXCIV. An entry of every payment under the last preceding Section, setting forth the amount thereof, shall be made in a book to be kept by the Court, and shall also be endorsed on the back of the deed, instrument, or writing in respect of which it is made, and shall be signed by the Court or by the Registrar or Clerk of the Court where there is such an officer. *(Small Cause Courts.)*

Court to make monthly return to Collectors, of Stamp duty received by it.

CXCV. The Court shall at the end of every month make a return to the Collector of the Stamp Revenue of the District, of the money (if any) which it has received under the provisions of Section CXCIII, distinguishing between the sums received by way of penalty and the sums received by way of duty. The return shall state the number and title of the suit, the name of the party from whom such money was received, and the date, if any, and description of the document, for the purpose of identifying the same. The Court shall pay over the money so received to such Collector or to such other person as the Collector may appoint to receive the same. *(Small Cause Courts.)*

Return what to state.

Collector to stamp a Deed, &c., which been duly endorsed.

CXCVI. The Collector, or other proper authority shall, upon the production of a deed, instrument, or writing in respect of which a payment of Stamp duty shall have been made under Section CXCIII, with the endorsement hereinbefore mentioned, cause it to be stamped with a Stamp of the amount paid into Court on account of such duty. *(Small Cause Courts).*

Admitted exhibits to be endorsed and filed.

CXCVII. When an exhibit is admitted in evidence, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the date on which it was produced, and shall be filed as part of the record. Provided that, if the exhibit be an entry in a shop book, or other book, the party on whose

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behalf such book is produced shall furnish a copy of the entry, which may be on unstamped paper. The copy shall be endorsed as aforesaid, and shall be filed as part of the record, and the book shall be returned to the party producing it. *(Small Cause Courts.)*

Rejected exhibits to be endorsed.

CXCVIII. When an exhibit is rejected by the Court, it shall be endorsed in the manner specified in the last preceding Section with the addition of the word "rejected," and the endorsement shall be signed by the Court. The exhibit shall then be returned to the party who produced it, unless the Court shall think proper, on suspicion of the exhibit having been fabricated, or for any other reason to order that it be detained. *(Small Cause Courts.)*

And returned unless detained by the Court.

When exhibit admitted in evidence may be returned.

CXCIX. In suits in which an appeal is allowed, when the time for preferring an appeal from the decree has elapsed, or if an appeal has been preferred then after the appeal has been disposed of, any person whether a party to the suit or not who may be desirous of receiving back any exhibit produced by him in the suit, shall be entitled, on application to the Court in which such exhibit may be, to receive back the same.

If there is no appeal, exhibit may be returned as soon as suit has been disposed of.

CC. In suits in which an appeal is not allowed, the exhibit may be returned, on application as above, at any time after the suit has been disposed of. *(Small Cause Courts.)*

Exhibit may for special reasons be returned before the time limited.

CCI. An exhibit may be returned before the time mentioned in Section CXCIX or Section CC, if the Court in which the document may be shall think proper, for any special reason, to order its return. *(Small Cause Courts.)*

In what cases exhibit not to be returned.

CCII. No exhibit shall be returned the further use of which has been superseded by the terms of the decree, or which the Court has directed to be detained for purposes of public ustice. *(Small Cause Courts.)*

Certified copy of returned exhibit to be kept.

CCIII. When an exhibit is returned, a certified copy, made at the expense of the applicant, and bearing the stamp prescribed by any law for the time being in force, shall be substituted for the original in the record of the suit. *(Small Cause Courts.)*

Receipt to be given for returned exhibits.

CCIV. On the return of an exhibit which has been admitted in evidence, a receipt shall be given by the party receiving the exhibit, in a receipt-book to be kept for the purpose. *(Small Cause Courts.)*

Court may send for papers from its own records or from other public Offices or Courts.

CCV. The Court may, of its own accord, or upon the application of any of the parties to a suit, send for, either from its own records or from any other Court or public Office, the record of any other suit or case, or any other official paper, not being a document relating to affairs of State the production of which may be contrary to good policy, and inspect the same, when the inspection of such record or paper shall appear likely to elucidate the facts of the suit before the Court, and to promote the ends of justice. *(Small Cause Courts.)*

Except State papers.

Of the Settlement of Issues.

Framing of issues.

CCVI. At the first hearing of the suit the Court shall enquire upon what question of law, or of fact the parties are at issue, and shall thereupon proceed to frame and record the issues of law and fact, on which the right decision of the case shall appear to the Court to depend.

Issues may be framed from oral statements of parties.

CCVII. The Court may frame the issues from the allegations of fact which it collects from the oral examination of the parties or their Advocates, notwithstanding any difference between such allegations of fact and the allegations of fact contained in the written statements, if any, tendered in the suit.

Court may examine witnesses or documents before framing the issues.

CCVIII. If the Court shall be of opinion that the issues cannot be correctly framed without the examination of some person not before the Court, or without the inspection of some document not produced in the suit, it may adjourn the framing of the issues to a future day, to be fixed by the Court, and may compel the attendance of any person or the production of any document by the person in whose hands it may be, by summons or other process.

Amendment of issues.

Additional issues.

CCIX. The Court may at any time before judgment amend the issues or frame additional issues on such terms as to it shall seem fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made.

Amendment of plaint.

CCX. The Court may at any time before judgment amend or allow the plaintiff to amend the plaint upon such terms as to the payment of any costs occasioned by such amendment, whether by reason of the adjournment of the hearing or otherwise, as it may deem proper. *(Small Cause Courts.)*

Of Issues by Agreement of Parties.

Questions of fact or law may by agreement be stated by the parties in the form of an issue.

CCXI. When the parties to a suit are agreed as to the question of fact or of law to be decided between them, they may state the same in the form of an issue, and enter into an agreement in writing, which shall not be subject to stamp duty, that upon the finding of the Court in the affirmative or the negative of such issue, a sum of money specified in the agreement, or to be ascertained by the Court upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other of them, or that upon such finding some property specified in the agreement and in dispute in the suit shall be delivered by one of the parties to the other of them, or that upon such finding one or more of the parties shall

do or perform some particular legal act, or shall refrain from doing or performing some particular act specified in the agreement, and having reference to the matter in dispute.

Court if satisfied on certain points may record and try question, &c.

CCXII. If the Court shall be satisfied, after making such enquiry as it may deem proper, that the agreement was duly executed by the parties, and that the parties have a *bonâ fide* interest in the decision of such question as aforesaid, and that the same is fit to be tried and decided, it may proceed to record and try the same and deliver its finding or opinion thereon in the same manner as if the issue had been framed by the Court, and may upon the finding or decision on such issue, give judgment for the sum so agreed on or so ascertained as aforesaid, or otherwise according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

When the Suit may be disposed of at the First Hearing.

If the parties are not at issue on any question of law or fact.

CCXIII. If at the first hearing of a suit it shall appear that the parties are not at issue on any question of law or of fact, the Court may at once give judgment. *(Small Cause Courts.)*

If one of several defendants be not at issue with the plaintiff on any question of law or fact.

CCXIV. Where there are more defendants than one and any one of the defendants is not at issue with the plaintiff on any question of law or fact, the Court may at once give judgment for or against such defendant and the suit shall proceed only against the other defendants.

If the parties are at issue on questions of law or fact.

CCXV. When the parties are at issue on some question of law or of fact, and issues have been framed by the Court as hereinbefore provided, if the Court shall be satisfied that no further argument or evidence than such as the parties can at once supply is required upon any such of the issues of law or of fact as may be sufficient for the decision of the suit, the Court may proceed to determine such issue or issues, and if the finding thereon is sufficient for the decision, may pronounce judgment accordingly, whether the summons shall have been issued for the settlement of issues only or for the final disposal of the suit; otherwise the Court shall postpone the further hearing of the suit, and shall fix a day for the production of such further evidence, or for such further argument as the case may require.

Court may determine the issues and give judgment.

If either party fails to produce his evidence, Court may give judgment.

CCXVI. If the summons shall have been issued for the final disposal of the suit, and either party shall fail without sufficient cause to produce the evidence on which he relies, the Court may at once give judgment. *(Small Cause Courts.)*

Of Adjournments.

Court may grant time, or adjourn to a future day.

CCXVII. The Court may, if sufficient cause be shown, at any stage of the suit, grant time to the parties, or to either of them, and may from time to time adjourn the hearing of the suit. In all such cases the Court shall fix a day for the further hearing of the suit. Provided that the party applying for time shall pay the costs occasioned by such adjournment, unless the Court shall otherwise direct. *(Small Cause Courts.)*

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How Court is to proceed if the parties fail to appear on the day to which hearing may be adjourned.

CCXVIII. If, on any day to which the hearing of the suit may be adjourned, the parties or either of them shall not be in attendance, the Court may proceed to dispose of the suit in the manner specified in Section CLXI, Section CLXIII, or Section CLXVII as the case may be, or may make such other order as may appear to be proper in the circumstances of the case. *(Small Cause Courts.)*

Court to proceed to a decision notwithstanding default of either party in respect of matters for which time was allowed.

CCXIX. If either party to a suit to whom time may have been granted shall fail to produce his proofs, or to cause the attendance of his witnesses, or to perform any other act necessary to the further progress of the suit, for which time may have been allowed, the Court shall proceed to a decision of the suit on the record, notwithstanding such default. *(Small Cause Courts.)*

Of summoning Witnesses.

When summons to witnesses and others may be obtained.

CCXX. The parties may, at any time after the issue of the summons to the defendant, if the summons be for the final disposal of the suit, or after the issues have been recorded, if the summons to the defendant be for the settlement of issues only, obtain on application to the Court, summons to witnesses or other persons to attend either to give evidence or to produce a document, and in any such summons the names of any number of persons may be inserted. *(Small Cause Courts.)*

Expenses of witnesses to be paid by party applying for summons.

CCXXI. The person applying for a summons shall pay into Court such a sum of money as shall appear to the Court to be reasonable, to defray the travelling and other expenses of the witness or other person mentioned in the summons, in passing to and from the Court in which he may be required to attend, and for one day's attendance. *(Small Cause Courts.)*

Scale of expenses.

CCXXII. If the Court be a subordinate Court, regard shall be had, in fixing the scale of such expenses, to the rules (if any) established by the Court to which such Court shall be subordinate. *(Small Cause Courts.)*

Tender of expenses to witness.

CCXXIII. The sum so paid into Court shall be tendered to the witness or other person at the time of serving the summons, if it can be served personally.—*(Small Cause Courts.)*

If sum be not sufficient.

CCXXIV. If it shall appear to the Court that the sum paid into Court on account of the travelling and other expenses of the witness or other person in passing to and from the Court is not sufficient to cover such expenses, the Court may direct such further sum to be paid to the witness or other person as may appear to be necessary on

that account, and, in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, or the Court may discharge the witness or other person without requiring him to give evidence. (*Small Cause Courts.*)

Expenses if witness is detained.

CCXXV. If it shall be necessary to detain the witness or other person summoned for a longer period than one day, the Court may from time to time order the party at whose instance such witness or other person was summoned, to pay into Court such sum as may be sufficient to defray the expenses of his detention for such further period, and in default of such deposit being made, may order the witness or other person to be discharged without requiring him to give evidence. (*Small Cause Courts.*)

What to be specified in summons for attendance of witness.

CCXXVI. Every summons for the attendance of a witness or other person shall specify the time and place at which he is required to attend, and also whether his attendance is required for the purpose of giving evidence or to produce a document, or for both purposes; and any particular document which the witness or other person may be called on to produce, shall be described in the summons with convenient certainty. (*Small Cause Courts.*)

Summons to produce a document.

CCXXVII. Any person, whether a party to the suit or not, may be summoned to produce a document, without being summoned to give evidence; and any person, summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced instead of attending personally to produce the same. (*Small Cause Courts.*)

Form of summons to produce.

CCXXVIII. The summons shall be in the form contained in the Schedule (D) to this Code annexed or to the like effect. (*Small Cause Courts.*)

SERVICE OF SUMMONS ON A WITNESS.

How the summons shall be served.

CCXXIX. Every summons to a witness or other person shall be served by exhibiting the original, and delivering or tendering a copy to the witness or other person. (*Small Cause Courts.*)

Service to be made a sufficient time before day fixed for attendance.

CCXXX. The service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the witness or other person, to allow him a reasonable time for preparation, and for travelling to the place at which his attendance is required. (*Small Cause Courts.*)

Service to be on the witness, or a male member of his family.

CCXXXI. Whenever it may be practicable the service of the summons shall be upon the witness or other person thereby required to attend, but when such witness or other person cannot be found, the service may be made on an adult male member of his family residing with him. (*Small Cause Courts.*)

When the summons cannot be served, it is to be returned to the Court.

CCXXXII. When the witness or other person required to attend cannot be found, and there is no adult male member of his family on whom the summons can be served, the serving Officer shall return the summons to the Court from whence it issued with an endorsement thereon that he has been unable to serve it. (*Small Cause Courts.*)

Time and manner of service to be endorsed on the summons.

CCXXXIII. The serving Officer shall, in all cases in which the summons has been served, endorse on the original summons the time when and the manner in which it was served. (*Small Cause Courts.*)

How a summons on a witness who resides in the jurisdiction of another Court is to be served.

CCXXXIV. If the person required to attend be resident within the jurisdiction of any Court other than that in which the suit is pending, the summons shall be transmitted by the Court in which the suit is pending to any Court not being a High Court having jurisdiction at the place where the witness resides by which it can be most conveniently served; and the Court to which the summons is sent shall, upon receipt thereof, deliver the same to the proper Officer of such Court, to be served in the manner above directed. Upon the return of the summons by the serving Officer, it shall be transmitted to the Court from whence it originally issued. (*Small Cause Courts.*)

Procedure when summons cannot be served in any of the ways before specified.

CCXXXV. If the summons for the attendance of a witness or other person either to give evidence or to produce a document, cannot be served in either of the ways hereinbefore specified, the Court, on being certified thereof by the return of the serving Officer, and upon proof that the evidence of such witness or other person or the production of the document is material, and that the witness or other person absconds or keeps out of the way for the purpose of avoiding the service of the summons, may cause a proclamation requiring the attendance of such witness or other person to give evidence, or produce the document, at a time and place to be named therein, to be affixed to the outer door of the house in which the witness or other person is dwelling; and if such witness or other person shall not attend at the time and place named in such proclamation, the Court may, at the instance of the party on whose application the summons was issued, make an order for the attachment of the moveable property of such witness or other person, to such amount as the Court shall deem reasonable, not being in excess of the amount of the costs of attachment and of any fine to which the witness or other person may be liable under the provisions of Section CCXXXVII. (*Small Cause Courts.*)

In what case attachment may be withdrawn.

CCXXXVI. If, on the attachment of his property, such witness or other person shall appear and satisfy the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court shall direct that the property be released from attachment, and shall make such order in regard to the costs of the attachment as it shall deem fit. (*Small Cause Courts.*)

Procedure if witness fail to appear, or appearing, to satisfy the Court on certain points.

CCXXXVII. If such witness or other person shall not appear, or appearing, shall fail to satisfy the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, it shall be lawful for the Court to order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which the Court may impose upon such witness or other person under the provisions of any law for the time being in force for the punishment of a witness who may abscond or keep out of the way in order to avoid the service of a summons. If the witness or other person shall pay into Court the costs and fine as aforesaid, the Court shall order the property to be released from attachment. (*Small Cause Courts.*)

Of the Examination of Parties as Witnesses.

A party to a suit appearing in person may be examined either in his own behalf or on behalf of any other party.

CCXXXVIII. When a party to a suit attends in person at any hearing of the suit, he may be examined as a witness, either on his own behalf or on behalf of any other party to the suit, in the same manner as if he were not a party to the suit. (*Small Cause Courts.*)

Special application to be made for the attendance of a party as a witness.

CCXXXIX. If a party to a suit shall require to enforce the attendance of any other party thereto as a witness, he shall make a special application to the Court for an order requiring the attendance of such party, and shall show, to the satisfaction of the Court, sufficient ground in support of such application, otherwise a summons shall not be issued. (*Small Cause Courts.*)

The Court may first issue notice to party whose attendance is required to show cause.

CCXL. The Court, before making such order, may cause notice to be given to the party whose attendance is required, fixing a day for him to show cause why he should not attend and give evidence; and may also from time to time for good and sufficient reason, enlarge the time for such purpose. (*Small Cause Courts.*)

Court shall receive a written declaration in support of the cause shown.

CCXLI. In support of the cause shown, the Court shall receive any declaration in writing of the party on unstamped paper, if signed by him and verified in the manner hereinbefore provided for the verification of plaints. (*Small Cause Courts.*)

If no sufficient cause be shown within time allowed, order to issue.

CCXLII. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to attend and give evidence. (*Small Cause Courts.*)

Court may of its own accord at any time summon any party to the suit to attend as a witness.

CCXLIII. If the Court shall think it necessary for the ends of justice to examine any party to the suit or to inspect any document in his possession or power, the Court may, of its own accord at any stage of the suit, cause such party to be summoned to attend as a witness to give evidence or to produce such document if in his possession or power on a day to be appointed in the summons, and may examine such party as a witness or may cause such party to be examined in such other manner as the Court may direct. (*Small Cause Courts.*)

Court may of its own accord summon any person other than a party to the suit as a witness.

CCXLIV. If the Court shall at any time think it necessary for the ends of justice to examine any person other than a party to the suit, and not named as a witness by a party to the suit, the Court may, of its own accord, cause such person to be summoned as a witness to give evidence, or to produce any document in his possession on a day to be appointed, and may examine such person as a witness. (*Small Cause Courts.*)

Provision as to question arising in Court subordinate to District Court, relating to the law of the religion of any suitor.

CCXLV. In any suit pending in any Court subordinate to the District Court, in which any question relating to the law of the religion of the parties or any of them shall arise, the Court may either take the evidence of any person learned in such law, or may refer to any recognized authority thereupon, or may receive from any of the parties a legal opinion quoting or referring to any such authority; or the Court may, of its own accord, or on the application of any of the parties, refer the question, with a statement of such of the circumstances of the case as may appear necessary for the elucidation of the same, for the opinion of the District Court.

How District Court to proceed as to such question when referred to it.

CCXLVI. The District Court may either decide the question so referred to it on evidence, or on any recognized authority, or legal opinion as aforesaid, taken, referred to, or received by it; or may of its own motion, or on the application of any of the parties, refer the question, with the statement of the case received from the Court below, for the opinion of the High Court.

And when arising in suit pending in such Court.

CCXLVII. The District Court may proceed in the manner aforesaid in respect to any question of law relating to the religion of the parties or any of them, arising in any suit pending in such Court.

How High Court to proceed as to such questions, either referred or arising in suit pending in such Court.

CCXLVIII. Whenever any such question as aforesaid may be referred for the opinion of the High Court, or whenever any such question as aforesaid may arise in any suit pending before the High Court, such Court may take the evidence of any person learned in the particular law to which the question relates, or refer to any recognized authority thereupon, or receive any legal opinion from the parties or any of them quoting or referring to any such authority.

Court which refers any such question to stay decision pending receipt of opinion of Higher Court.

CCXLIX. Whenever any question may be referred as aforesaid for the opinion of the District Court or of the High Court, the Court making such reference shall postpone its decision in the suit in which such question shall have arisen, until the receipt of the opinion of the District Court, or of the High Court, as the case may be, upon the question so referred.

Hearing of question by Court to which reference is made.

CCL. The Court to which the question is referred shall fix an early day for determining the same, which day shall be notified by a proclamation to be fixed up in the Court House. The parties to the suit in which such reference is made may appear and be heard on the question referred.

Transmission of decision of Court, and proceeding thereupon.

CCLI. The Court shall transmit a copy of its decision, under the signature and seal of the Court, to the Court by which the reference was made, and such Court shall proceed to dispose of the question referred conformably to such decision.

Decision of High Court to be communicated through District Court to subordinate Court.

CCLII. If the suit is pending in a Court subordinate to the District Court, and the District Court shall have made a reference to the High Court, the decision of the High Court shall be communicated to the Court in which the suit is pending, through the District Court by which the reference was made.

Costs of reference.

CCLIII. Costs, if any, consequent on a reference under the foregoing provisions, shall be costs in the suit.

Provisions respecting appeal in cases referred under Section CCXLV.

CCLIV. No appeal shall lie from any opinion given by the District Court on a question referred to such Court under Section CCXLV; but in the event of the suit in which such reference was made to the District Court coming before it in regular appeal, it may be a ground of special appeal from the decree passed by the District Court in the case, that the opinion given by the District Court on the question of law referred to it is erroneous, or that the Court had wrongly interpreted the law.

High Court not to be bound by opinion given on reference.

CCLV. In any case in which the High Court may have given an opinion on a question referred to such Court under Section CCXLVI or Section CCXLVII, the opinion so given shall not be treated as binding upon the High Court in the event of the case coming thereafter before the Court in either regular or special appeal.

Questions referred to High Court to be heard by two or more Judges.

CCLVI. Questions referred under Section CCXLVI and Section CCXLVII for the opinion of the High Court shall be determined by two or more Judges of such Court sitting together.

ATTENDANCE OF WITNESSES, AND CONSEQUENCE OF NON-ATTENDANCE.

Persons summoned to give evidence must attend.

CCLVII. Any person who shall be summoned to appear and give evidence in a suit, shall be bound to attend at the time and place named in the summons for that purpose. (*Small Cause Courts.*)

Procedure in case of person summoned failing to comply with summons.

CCLVIII. If any person on whom a summons to give evidence or produce a document shall have been served shall, without lawful excuse, fail to comply with the summons, the Cout may order such person to be apprehended and brought before the Court. If such person abscond or keep out of the way, so that he cannot be apprehended or brought before the Court, his property shall be liable to attachment and sale in the manner and subject to the rules provided in Sections CCXXXV, CCXXXVI and CCXXXVII, with respect to a witness, or other person, on whom the service of a summons cannot be effected. (*Small Cause Courts.*)

Procedure in case of witnesses present in Court refusing to give evidence.

CCLIX. If any witness, attending or being present in Court, shall, without lawful excuse, refuse to give evidence, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit such witness to jail for such reasonable time as it may deem proper, unless the witness shall, in the mean time, consent to give his evidence, or to produce the document. If after the expiration of such time the witness shall persist in his refusal, the Court may proceed to deal with him according to the provisions of any law for the time being in force for the punishment of persons refusing to give evidence. (*Small Cause Courts.*)

Procedure in case of party to suit ordered to attend failing to comply, or refusing to give evidence.

CCLX. If any person being a party to the suit, who shall be ordered to attend to give evidence or produce a document shall, without lawful excuse, fail to comply with such order, or, attending or being present in Court shall, without lawful excuse, refuse to give evidence, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may either pass judgment against the party so failing or refusing, or make such other order in relation to the suit as the Court may deem proper in the circumstances of the case. (*Small Cause Courts.*)

Any person present in Court may be called upon to give evidence though not summoned.

CCLXI. Any person present in Court, whether a party to the suit or not, may be called upon by the Court to give evidence and to produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence or to produce such document, and shall be liable to be dealt with by the Court in the same manner as a party or witness, as the case may be, would be liable, under any of the preceding provisions, to be dealt with for any refusal to obey the order of the Court. (*Small Cause Courts.*)

WHEN AND HOW WITNESSES ARE TO BE EXAMINED

Witnesses to be examined according to law in force.

CCLXII. Witnesses shall be examined upon oath or affirmation or otherwise according to the provisions of the law for the time being in force in

relation to the examination of witnesses. (*Small Cause Courts.*)

Evidence to be taken orally in open Court.

CCLXIII. On the day appointed for the hearing of the suit, or on any other day to which the hearing may be adjourned, the evidence of the witnesses in attendance shall be taken orally in open Court, in the presence and hearing and under the personal direction and superintendence of the Judge. (*Small Cause Courts.*)

A witness may for sufficient cause be examined immediately

CCLXIV. If a witness be about to leave the jurisdiction of the Court, or if other good and sufficient cause be shown to the satisfaction of the Court why the examination of a witness should be taken immediately, it shall be competent to the Court upon the application of either party or of the witness, at any time after the institution of the suit, to take the examination of such witness forthwith, or on any day that may be fixed for that purpose, of which due notice shall be given to the parties if the day be fixed in their absence. The witness shall be examined, and his evidence shall be taken down in writing, in the manner hereinafter provided for the examination of witnesses; and the evidence so taken down may be read in evidence at any hearing of the suit. (*Small Cause Courts.*)

How evidence shall be taken in cases in which a regular appeal is allowed.

CCLXV. In cases in which a regular appeal is allowed, the evidence of each witness shall be taken down in writing, in the language in ordinary use in proceedings before the Court, by or in the presence and under the personal direction and superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over in the presence of the Judge and of the witness, and shall, if necesary, be corrected, and shall be signed by the Judge.

Local Government may direct evidence of witnesses in certain Courts to be taken down by Judge with his own hand in his vernacular language.

CCLXVI. The Local Government may direct that the evidence of witnesses in any District or in any class of Courts in any District included in the Territories of such Local Government shall be taken down by the Judge with his own hand in the vernacular language of such Judge.

In what case a witness may require his deposition to be interpreted to him.

CCLXVII. If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his evidence as taken down in writing to be interpreted to him in the language in which it was given.

When evidence may be taken in English in Courts in which English is not in ordinary use.

CCLXVIII. If in a Court in which English is not the language in ordinary use in proceedings before the Court, the parties to the suit who are present, and the Advocates of such as are absent, consent to have such evidence as is given in English taken down in that language, the Judge may take down the evidence in English in his own hand.

In certain cases particular question and answer may be taken down.

CCLXIX. It shall be in the discretion of the Court to take down or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing or any party or his Advocate shall require it.

Objection taken to questions.

CCLXX. If any question put to a witness be objected to and the Court shall allow the question to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the evidence, together with the decision of the Court upon the objection.

Court to record remarks on demeanour of witnesses.

CCLXXI. The Court shall record such remarks as it may think material respecting the demeanor of any witness while under examination.

Memorandum of the evidence to be made by Judge if the evidence is not taken down by him.

CCLXXII. In cases in which the evidence is not taken down in writing by the Judge himself, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what each witness deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall form part of the record.

How evidence shall be taken in cases not appealable.

CCLXXIII. In cases in which no appeal is allowed, it shall not be necessary to take down the evidence of the witnesses in writing at length; but the Judge, as the examination of each witness proceeds, shall make a memorandum of the substance of what each witness deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall form part of the record. (*Small Cause Courts.*)

If Judge be unable to make a memorandum of the evidence, reason of inability to be recorded.

CCLXXIV. If the Judge shall be prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and in cases in which no appeal lies, he shall cause such memorandum to be made in writing from his dictation in open Court and shall sign the same, and such memorandum shall form part of the record. (*Small Cause Courts.*)

Of Commissions to examine absent Witnesses and make Local Enquiries.

Rule as to attendance of persons residing beyond a certain distance from the Court.

CCLXXV. No person shall be bound to attend in person to give evidence in a Court, if he reside at a place distant more than fift miles from the place at which the Court is held, unless the Court shall specially order that he shall attend, nor in any case if he reside at a place distant more than one hundred miles from the place at which the Court is held. (*Small Cause Courts.*)

Reasons to be recorded of order for attendance of witness residing at a distance.

CCLXXVI. The Court, on making an order for the attendance of a witness residing at a distance exceeding fifty miles from the place where the Court is held, shall record the reasons for making such order. (*Small Cause Courts.*)

CCLXXVII. The Court may order a Commission to issue for the examination on interrogatories or otherwise of any witness who, under Section CCLXXV, is not bound to attend the Court, or who is required to give evidence only on a question relating to the law of the religion of the parties or any of them under Section CCXLV, or Section CCXLVI, or Section CCXLVIII, or who is from sickness or infirmity unable to attend, or who is a person exempted by any law for the time being in force, by reason of rank or sex from attending Court. (*Small Cause Courts.*)

Cases in which Court may issue a Commission to examine witnesses.

CCLXXVIII. Such order as aforesaid may be made by the Court either of its own motion or on the application of any party to the suit or of the witness. The Court may, by the same or any subsequent order, give such directions as to taking the examination of an absent witness as shall seem proper. (*Small Cause Courts.*)

Order for Commission may be made by Court of its own motion, or on application.

CCLXXIX. If a Commission be issued for the examination of a witness who is resident within the jurisdiction of the Court issuing the Commission, the Commission may be issued to any Officer of the Court, or to any Court subordinate to such Court, or to any other person whom the Court issuing the Commission may think proper to appoint to execute the same. (*Small Cause Courts.*)

When the witness resides within the Court's jurisdiction.

CCLXXX. If the witness be resident at some place in British India beyond the jurisdiction of the Court issuing the Commission, the Commission shall ordinarily be issued to any Court, not being a High Court, within whose jurisdiction the witness may reside, and which can most conveniently execute the same. Under special circumstances, the Commission may be issued to any person whom the Court issuing the Commission may think proper to appoint to execute the same. (*Small Cause Courts.*)

When the witness resides beyond the Court's jurisdiction, but in British India.

CCLXXXI. If the witness be resident within the local limits of the ordinary original Civil jurisdiction of any of the High Courts of Judicature at Calcutta, Madras or Bombay, the Commission shall be issued to the Court of Small Causes within whose jurisdiction the witness resides, or to any Court other than a High Court which may now exist or may hereafter be established with jurisdiction within the same local limits; but the Commission may, under special circumstances, be directed to any person whom the Court issuing the Commission may think proper to appoint to execute the same. (*Small Cause Courts.*)

When the witness is within the local jurisdiction of a High Court.

CCLXXXII. When the evidence of a witness is required, who is resident at some place not within British India, but within the territories of a Native Prince or State in alliance with the British Government, the Court, if it be satisfied that the evidence of such witness is necessary, may, of its own motion, or on the representation of any of the parties to the suit, issue a Commission for the examination of such witness; provided that, if the suit be pending in any Court subordinate to the District Court, such subordinate Court shall not issue the Commission, but the District Court may issue the Commission on the application of the subordinate Court.

When the witness is not within British India, but within the territories of a Native Prince or State in alliance with the British Government.

Proviso.

CCLXXXIII. When the evidence of a witness is required, who is resident at some place neither within British India nor within the territories of a Native Prince or State in alliance with the British Government, the High Court, if the suit in which the evidence of the witness is required be pending in that Court, and the Court be satisfied that such evidence is necessary, may, of its own motion or on the application of any of the parties to the suit, issue a Commission to examine the witness. If the suit be pending in a Court subordinate to the High Court, the High Court may issue the Commission on the application of the Courts in which the suit is pending. In all such cases, the Commission may be issued to any person whom the High Court may think proper to appoint to execute the same.

When the witness is not in British India nor within the territories of a Native Prince or State in alliance with the British Government.

CCLXXXIV. If a person, whether he be a party to the suit or not, whose evidence is required, is in Jail under either Civil or Criminal process, the Court may issue a Commission to any Officer of the Court to take the evidence of such person either upon written interrogatories or otherwise, and the Officer to whom the Commission is issued, shall proceed to the Jail in which such person is confined, and shall take his evidence in accordance with the instructions given by the Court in any part of the Jail which the Officer in charge of the Jail shall appoint for the purpose. (*Small Cause Courts.*)

Commission may issue to examine a witness in Jail.

CCLXXXV. The examination of the person whose evidence is required shall be taken in the presence of the parties to the suit, or their Advocates or Agents, or any of them, and such parties, Advocates or Agents, shall be allowed to cross-examine the witness. The Officer in charge of the Jail or some person appointed by him shall be present during the examination. (*Small Cause Courts.*)

Examination to be in presence of what persons.

CCLXXXVI. If the Jail in which the person whose evidence is required is confined, is not within the local limits of the jurisdiction of the Court in which the suit is brought, the Court may issue a Commission to any Court, not being a High Court, having jurisdiction at the place where the Jail is situated in which such person is confined and the Court to which the Commission is issued shall proceed as provided in Section CCLXXXIV, the provisions of which as well as of Section CCLXXXV shall apply in such case. (*Small Cause Courts.*)

Procedure as to commission to examine a witness in a Jail in a different district.

CCLXXXVII. After the commission has been duly executed, it shall be returned, together with the evidence taken under the Commission, to the Court out of which the Com-

Commission to be returned to the Court issuing it with the depositions of the witnesses.

mission issued, unless the order for issuing the Commission shall have otherwise directed; in which case the Commission shall be returned in terms of such order, and the Commission and the return thereto, and the evidence taken under the Commission, shall form part of the record of the suit. (*Small Cause Courts.*)

When depositions may be read in evidence.

CCLXXXVIII. Evidence taken under a Commission shall not be read as evidence in the suit without the consent of the party against whom the same may be offered, unless it be proved that the witness who gave the evidence is beyond the jurisdiction of the Court or dead, or unable from sickness or infirmity to attend to be personally examined, or exempted by reason of rank or sex, or by the provisions of Section CCLXXV from personal appearance in Court, or unless the evidence is only on a question relating to the law of the religion of the parties or any of them. (*Small Cause Courts.*)

Court may dispense with proof of circumstances mentioned in last Section.

CCLXXXIX. The Court may at its discretion, dispense with the proof of any of the circumstances mentioned in the last preceding Section, or may authorize the evidence of any witness being read as evidence in the suit, notwithstanding proof that the cause for taking such evidence has ceased at the time of reading the same.

Commission for local investigations.

CCXC. In any suit in which the Court may deem a local investigation to be requisite or proper for the purpose of elucidating any matter in dispute, or of ascertaining the amount of any mesne profits or damages, the Court may issue a Commission to an Officer of the Court appointed to execute such Commissions, or if there be no such Officer, to any suitable person directing him to make such investigation and to report thereon to the Court. (*Small Cause Courts.*)

Commissioner may examine witnesses and call for papers.

CCXCI. The Commissioner, unless otherwise directed by the order of appointment, shall have power to examine the parties themselves, or any witness who may be produced to him by the parties or any of them, and any other person whom the Commissioner may think proper to call upon to give evidence in the matter referred to him. The Commissioner may also call for and examine documents and other papers relevant to the subject of enquiry. The Commissioner, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the evidence of witnesses in the presence of the Judge, the evidence taken by him shall return the evidence so taken together with his report in writing, subscribed with his name, to the Court. (*Small Cause Courts.*)

The report and evidence to be evidence in the suit. Commissioner may be examined in person.

CCXCII. The report of the Commissioner and the evidence taken by him shall be evidence in the suit and shall form part of the record; but it shall be competent to the Court, or to the parties to the suit or any of them, with the permission of the Court, to examine the Commissioner personally in open Court touching any of the matters referred to him or mentioned in his report, or as to the manner in which he may have conducted the investigation. (*Small Cause Courts.*)

A Commissioner may be appointed to investigate and adjust accounts.

CCXCIII. In any suit in which an investigation or adjustment of accounts may be necessary, it shall be lawful for the Court to appoint such Officer or other person as aforesaid to be a Commissioner for the purpose of making such investigation or adjustment, and to direct that the parties or their Attorneys or Advocates shall attend upon the Commissioner during such investigation or adjustment.

The Court to give the Commissioner the necessary information and orders.

CCXCIV. The Court shall furnish the Commissioner with such part of the proceedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the enquiry or also to report his own opinion on the point referred for his investigation.

Proceedings of Commissioner to be received in evidence: Court may make further inquiry if dissatisfied.

CCXCV. The proceedings of the Commissioner shall be received in evidence in the suit, unless the Court may have reason to be dissatisfied with them, in which case the Court shall make such further enquiry as may be requisite, and shall pass such judgment or order as may appear to it to be right and proper in the circumstances of the case.

Expenses of Commission to be paid into Court before issue thereof.

CCXCVI. Whenever a Commission is issued under any of the foregoing provisions, the Court, before issuing the Commission, may order such sum as may be thought reasonable for the expenses of the Commission to be paid into Court by the party at whose instance or for whose benefit the Commission is issued. (*Small Cause Courts.*)

Attendance, examination, and punishment of witnesses summoned by a Commission.

CCXCVII. The provisions of this Code relating to the summoning, attendance, and examination of witnesses and to the remuneration of, and penalties to be imposed upon, witnesses shall apply to witnesses required to give evidence or to produce documents under the foregoing provisions relating to Commissions to examine witnesses or make local enquiries, or to investigate or adjust accounts. Any penalty to which a witness may be liable under this Section shall be imposed by the Court from which the Commission issued, on the application of the Commissioner; but as regards the summoning, examination and remuneration of witnesses the Commissioner shall have the same powers, so far as he can exercise the same, as the Court issuing the Commission. (*Small Cause Courts.*)

Of Assessors.

In certain Courts hearing of suits may be before Assessors.

CCXCVIII. In any Court to which the provisions of this Section and of the next succeeding Section may be extended by an order of the local Government to be notified in the Official Gazette, the hearing of any suit may, if the Court in which it is pending shall so order, be conducted in the presence and with the aid of two or more Assessors as members of the Court.

CCXCIX. The opinion of each Assessor shall be given orally and shall be recorded in writing by the Court, but such opinion shall be in no way binding upon the Judge with whom exclusively the decision of the suit shall rest.

Opinion of Assessors how to be given and recorded.

OF JUDGMENT AND DECREE.

CCC. After the exhibits have been perused, the witnesses examined, and the parties heard in person or by their respective Advocates, the Court shall pronounce judgment. (*Small Cause Courts.*)

When judgment to be pronounced.

CCCI. The judgment shall be pronounced in open Court either immediately or on some future day, of which due notice shall be given to the parties or their Advocates. (*Small Cause Courts.*)

How judgment to be pronounced.

CCCII. The judgment shall be written in the vernacular language of the Judge. Provided that, if the vernacular language of the Judge be not English and the Judge be sufficiently conversant with the English language to be able to write a decision in that language, and prefer so to write it, the judgment may be written in English. (*Small Cause Courts.*)

Judgment to be written in vernacular language of Judge.

Proviso.

CCCIII. Whenever the judgment is written in any other language than that which is in ordinary use in proceedings before the Court, the judgment shall be translated into the language in ordinary use in such proceedings, and the translation shall be signed by the Judge. (*Small Cause Courts.*)

When judgment to be translated.

CCCIV. The judgment shall contain the point or points for determination, the decision thereupon, and the reasons for the decision, and shall be dated and signed by the Judge in open Court at the time of pronouncing it. (*Small Cause Courts.*)

Judgment what to contain.

CCCV. In suits in which issues have been framed, the Court shall state its finding or decision on each separate issue, unless the finding upon any one or more of the issues be sufficient for the decision of the suit.

Court to state its decision on each issue.

Proviso.

CCCVI. The judgment shall direct by whom the costs of each party are to be paid, whether by himself or by any other party to the suit, and whether in whole or in what part or proportion, and the Court shall have full power to award and apportion costs in any manner it may deem proper. (*Small Cause Courts.*)

Judgment to direct by whom costs are to be paid.

CCCVII. Under the denomination of costs are included the whole of the expenses or costs necessarily incurred by either party on account of the suit, and in enforcing the decree passed therein, such as the expense of stamps, of summoning the defendants and witnesses, and of other processes, or of procuring copies of documents, fees whether of Advocates or otherwise, charges of witnesses, and expenses of Commissioners either in taking evidence or in local investigations or in investigations into accounts. (*Small Cause Courts.*)

What included under denomination of costs.

CCCVIII. The decree shall bear date the day on which the judgment was passed. (*Small Cause Courts.*)

Date of decree.

CCCIX. The decree shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the Register of the suit, and shall specify clearly the relief granted or other determination of the suit. It shall also state the amount of costs incurred in the suit and by what parties and in what proportions they are to be paid, and shall be signed by the Judge and sealed with the seal of the Court. (*Small Cause Courts.*)

Contents of decree.

CCCX. When the suit is for land or other immoveable property with specified boundaries, if the decree be for the recovery of a portion only of such property, it shall specify the boundaries of the land or other property decreed.

Decree for recovery of portion of immoveable property.

CCCXI. When the suit is for moveable property, if the decree be for the delivery of such property, it shall also state the amount of money to be paid as an alternative if delivery cannot be had.

Decree for delivery of moveable property

CCCXII. When the suit is for damages for breach of contract, if it appear that the defendant is able to perform the contract, the Court, with the consent of the plaintiff, may decree the specific performance of the contract within a time to be fixed by the Court, and in such case shall award an amount of damages to be paid as an alternative if the contract is not performed. (*Small Cause Courts.*)

Decree for damages for breach of contract

CCCXIII. When the suit is for a sum of money due to the plaintiff, the Court may in the decree order interest at such rate as the Court may think proper to be paid on the principal sum adjudged from the date of suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the date of suit, with further interest on the aggregate sum so adjudged and on the costs of the suit from the date of the decree to the date of payment. (*Small Cause Courts.*)

In suits for money, Court may in decree order certain interest to be paid.

CCCXIV. In all decrees for the payment of money, the Court may, for any sufficient reason, order that the amount shall be paid by instalments with or without interest. (*Small Cause Courts.*)

Payment by instalments.

CCCXV. When the suit is for land or other property paying rent, the Court may provide in the decree for the payment of mesne profits or rent on such land or other property from the date of the suit until the date of delivery of possession to the party in whose favor the decree is made, with interest thereupon at such rate as the Court may think proper.

When the suit is for land, the Court may provide in the decree for payment of mesne profits with interest.

Court may determine amount of mesne profits prior to passing decree or may reserve enquiry.

CCCXVI. When the suit is for land and for mesne profits which have accrued on the land during a period prior to the date of suit, and the amount of such profits is disputed, the Court may either determine the amount prior to passing a decree for the land, or may pass a decree for the land and reserve the enquiry into the amount of mesne profits for the execution of the decree according as may appear most convenient.

If set-off be allowed.

CCCXVII. If the defendant shall have been allowed to set-off any demand against the claim of the plaintiff, the decree shall state what amount is due to the plaintiff and what amount (if any) is due to the defendant, and shall be for the recovery of any sum which shall appear to be due to either party. The decree of the Court with respect to any sum awarded to the defendant shall have the same effect and be subject to the same rules as if such sum had been claimed by the defendant in a separate suit against the plaintiff. (*Small Cause Courts.*)

Effect of decree.

If decree be for a sum of money only and not exceeding 1,000 rupees, Court may on verbal application direct immediate execution.

CCCXVIII. When a decree is passed for a sum of money only and the amount decreed shall not exceed the sum of one thousand rupees, the Court may, at the same time that it passes the decree, on the verbal application of the party in whose favor the decree is made, order immediate execution thereof by the issue of a warrant directed either against the person of the defendant if he is within the local limits of the jurisdiction of the Court, or against the personal property of the defendant within the same limits. (*Small Cause Courts.*)

Warrant against personal property may be general or special.

CCCXIX. If the warrant be directed against the personal property of the defendant it may be general against any personal property of the defendant wherever it may be found within the local limits of the jurisdiction of the Court, or special against any personal property belonging to the defendant within the same limits, which shall be indicated by the party in whose favor the decree is made. (*Small Cause Courts.*)

Certified copies of the decree and judgment to be furnished to parties.

CCCXX. Certified copies of the decree and judgment or of either the decree or judgment shall be furnished to the parties on application to the Court, and on the production of the necessary stamps for making such copies where stamps are required by any law for the time being in force. The application may be made either orally or by writing on unstamped paper. Copies of the decree and judgment may be taken on the same sheet of stamp paper if capable of containing them. (*Small Cause Courts.*)

CHAPTER V.

EXECUTION OF DECREES.

Decree for immoveable property.

CCCXXI. If the decree be for any building, land, or other immoveable property, the same shall be delivered over to the party to whom it shall have been adjudged.

Decree for specific moveable property.

CCCXXII. If the decree be for any specific moveable, it shall be enforced by the seizure, if practicable, of the specific moveable and the delivery thereof to the party to whom it shall have been adjudged.

Decree for specific performance of a contract, or of an act.

CCCXXIII. If the decree be for the specific performance of a contract, or of a part of a contract, or for the performance of any other act, the decree may be enforced by the imprisonment of the party against whom the decree is made, or by the attachment of his property or by both the imprisonment of the party and the attachment of his property. The imprisonment and attachment may be continued until the party against whom the decree is made shall comply with the terms of it: Provided that no person shall be imprisoned under this Section for a longer period than six months. (*Small Cause Courts.*)

Payment of money ordered to be paid under Section CCCXI or CCCXII how to be enforced.

CCCXXIV. Payment of a sum of money ordered to be paid under Section CCCXI as an alternative if delivery of any moveable property decreed cannot be had, or of a sum of money ordered to be paid under Section CCCXII as alternative damages in the event of the non-performance of a contract or of a part of a contract which the decree directs to be performed, shall be enforced in the manner hereinafter provided for the execution of a decree for money. (*Small Cause Courts.*)

Decree for money.

CCCXXV. If the decree be for money, it shall be enforced by the imprisonment of the party against whom the decree is made, or by the attachment and sale of his property, or by both. (*Small Cause Courts.*)

Decree against party other than a defendant in the suit.

CCCXXVI. If the party against whom a decree for money is made, be other than a defendant in the suit in which the decree was made, the decree may be enforced against such party in the same manner as a decree may be enforced against a defendant. (*Small Cause Courts.*)

Decree for execution of conveyances, or endorsement of negotiable instruments.

CCCXXVII. If the decree be for the execution of a conveyance, or for the endorsement of a negotiable instrument, and the party ordered to execute such conveyance or endorse such negotiable instrument shall neglect or refuse to comply with the order, the party in whose favor the decree is made may prepare a conveyance or endorsement of the instrument in accordance with the terms of the decree, and tender the same to the Court for execution upon the proper stamp if a stamp is required by any law for the time being in force.

Execution of conveyance, &c., by Court, to have same effect as execution by party making default.

CCCXXVIII. The execution of a conveyance or the endorsement of a negotiable instrument by the Court under the last preceding Section shall have the same effect as the execution of the conveyance or endorsement of the instrument by the party ordered to execute or endorse the same.

If the decree be against Government or an Officer on behalf of Government.

CCCXXIX. If the decree be against the Government or against an Officer acting on behalf of the Government, and the Officer against whom execution is applied for neglect or refuse to satisfy the decree, the Court shall report the case through the High Court for the orders of the Local Government. Execution shall not issue on the decree unless the decree shall remain unsatisfied for the period of three months calculated from the date of such report. (*Small Cause Courts.*)

Decree against representative of deceased person for money to be paid out of property of deceased person.

CCCXXX. If the decree be against a party as the representative of a deceased person, and the decree be for money to be paid out of the property of the deceased person, it may be executed by the attachment and sale of any such property, or, if no such property can be found, and the defendant fail to satisfy the Court that he has duly applied such property of the deceased person as shall be proved to have come into his possession, the decree may be executed against the defendant to the extent of the property not duly applied by him, in the same manner as if the decree had been against the defendant personally. (*Small Cause Courts.*)

Decree against sureties.

CCCXXXI. Whenever a person has become liable as surety for the performance of a decree or of any part thereof, the decree may be executed against such person to the extent to which he has rendered himself liable, in the same manner as a decree may be enforced againt a defendant. (*Small Cause Courts.*)

What property liable to attachment and sale in execution of a decree.

CCCXXXII. The following property is liable to attachment and sale in execution of a decree, namely, lands, houses or other buildings, goods, money, bank-notes, cheques, bills of exchange, promissory notes, Government securities, bonds, or other securities for money, debts, shares in the capital or joint-stock of any Railway, Banking, or other Public Company or Corporation, and all other property whatsoever, moveable or immoveable, belonging to the defendant, and whether the same be held in his own name or by another person in trust for him, or on his behalf. (*Small Cause Courts.*)

Into what Court payment to be made of monies payable under decrees.

CCCXXXIII. All monies payable under a decree shall be paid into the Court whose duty it is to execute the decree, unless such Court or the Court which passed the decree shall otherwise direct. (*Small Cause Courts.*)

Adjustment of decree to be made through the Court.

CCCXXXIV. No adjustment of a decree in part or in whole shall be recognized by the Court unless such adjustment be made through the Court, or be certified to the Court by the person in whose favor the decree was made or to whom it may have been transferred. (*Small Cause Courts.*)

APPLICATION FOR EXECUTION.

Application for execution to be made.

CCCXXXV. When a party in whose favor a decree has been made is desirous of enforcing the same, he shall apply to the Court whose duty it is to execute the decree. (*Small Cause Courts.*)

Any one of several decree-holders may apply.

CCCXXXVI. If a decree shall have been made in favor of more persons than one, any one of such persons may apply for the execution of the decree, and if the Court shall see sufficient cause for allowing the decree to be executed on an application so made, it shall pass such order as it may deem necessary for protecting the interests of the persons who shall not have joined in the application. (*Small Cause Courts.*)

Application by whom to be made, if decree be transferred from original decree-holder to another person

CCCXXXVII. If a decree be transferred by assignment or by operation of law from the party in whose favor it was made to any other person, application for the execution of the decree may be made by the person to whom the decree shall have been so transferred, and if the Court shall think proper to grant the application, the decree may be executed in the same manner as if the application were made by the party in whose favor the decree was made. (*Small Cause Courts.*)

Cross-decrees.

CCCXXXVIII. If there be cross-decrees between the same parties for the payment of money, execution shall be taken out only by the party who shall have obtained a decree for the larger sum, and for so much only as shall remain after deducting the smaller sum, and satisfaction for the smaller sum shall be entered on the decree for the larger sum as well as satisfaction on the decree for the smaller sum. If the two sums be equal, satisfaction shall be entered upon both decrees. (*Small Cause Courts.*)

Stay of execution until pending suit between decree-holder and the judgment debtor is decided.

CCCXXXIX. If a suit be pending in any Court against the holder of a decree of such Court, on the part of the person against whom the decree was made, the Court may, if it appear reasonable to do so, stay execution on the decree either absolutely or on such terms as it may think just, until the pending suit has been decided. (*Small Cause Courts.*)

If the person against whom a decree is made shall die before execution, application may be made for execution against his representative or estate.

CCCXL. If any person against whom a decree has been made shall die before execution has been fully had thereon, application may be made for execution of the decree against the representative or the estate of the person so dying. (*Small Cause Courts.*)

Notice of application to be given to representative.

CCCXLI. Notice of an application under the last preceding Section shall be given to the person named therein as the representative of the deceased or as the person in charge of the estate of the deceased, and if the Court, after hearing any thing that such representative or other person may have to say why the application should not be complied with, shall think proper to grant the same, the execution may be proceeded with against such representative or the estate of the deceased. (*Small Cause Courts.*)

Decree how to be executed against representative.

CCCXLII. If a decree be ordered to be executed against the representative of the party against whom the decree was made, it shall be executed in the

manner provided in Section CCCXXX for the execution of a decree for money to be paid out of the property of a deceased person. (*Small Cause Courts.*)

Application for execution of a decree how to be made and what to contain.

CCCXLIII. The application for the execution of a decree shall be in writing, and shall contain in a tabular form the following particulars, namely, the number of the suit, the names of the parties, the date of the decree, whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; the amount of the debt or damage due upon the decree, or other relief granted by the decree; the amount of costs, if any were awarded; the name of the person against whom the enforcement of the decree is sought; and the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, by the arrest and imprisonment of the person named in the application, or by the attachment of his property, or otherwise, as the case may be. (*Small Cause Courts.*)

Further particulars when the application is for an attachment of immoveable property.

CCCXLIV. If the application be for the attachment of any building, land or other immoveable property belonging to the defendant, it shall be accompanied with an inventory or list of the property containing such a description of the property as may be sufficient to identify it, together with a specification of the share or interest possessed by the defendant in the property to the best of the belief of the party making the application and so far as he has been able to ascertain the same.

In certain cases application to be accompanied by extract from Collector's Register.

CCCXLV. If the property be an estate paying revenue to Government, or any portion of such an estate, the application for attachment shall be accompanied with an authenticated extract from the Register of the Office of the Collector of the district, specifying the revenue of such estate, and the names and (where registered) the shares of the registered proprietors.

Application for an attachment of moveable property may be general, or may be accompanied with an inventory of the property to be attached.

CCCXLVI. If the application be for an attachment of the moveable property of the defendant or any part thereof, it may be accompanied with an inventory or list of the property to be attached, containing a reasonably accurate description of the same; or the applicant may apply for a general attachment of the moveable property of the defendant wheresoever the same can be found, to the amount of the judgment and costs. (*Small Cause Courts.*)

Procedure on receiving application for execution of decree.

CCCXLVII. The Court on receiving an application for the execution of a decree containing the particulars mentioned in Section CCCXLII or such of them as may be applicable to the case, shall enter in the Register of the suit a note of the application and the date on which it was made. (*Small Cause Courts.*)

Procedure if particulars do not correspond with decree.

CCCXLVIII. If the particulars do not correspond with the decree, the Court shall either return the application for correction to the person making it, or shall, with the consent of such person, cause the necessary correction to be made. (*Small Cause Courts.*)

If application admitted, execution to be ordered.

CCCXLIX. If the application be admitted, the Court shall order execution of the decree according to the nature of the application. (*Small Cause Courts.*)

MEASURES REQUIRED IN CERTAIN CASES PRELIMINARY TO THE ISSUE OF THE WARRANT.

In certain special cases, notice to show cause why the decree should not be executed shall be issued.

CCCL. If an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or if the enforcement of the decree be applied for against the representative of a party to the suit in which the decree was made, the Court shall issue a notice to the party against whom execution is applied for, requiring him to show cause, within a limited period to be fixed by the Court, why the decree should not be executed against him. Provided that no such notice shall be necessary in consequence of an interval of more than one year having elapsed between the date of the decree and the application for execution, if the application be made within one year from the date of the last order passed on any previous application for execution; and provided further, that no such notice shall be necessary in consequence of the application being against the representative of the party against whom the decree was made, if upon a previous application for execution against the same person, the Court shall have ordered execution to issue against him. (*Small Cause Courts.*)

Proviso.

Procedure after issue of notice.

CCCLI. If the person to whom notice is issued under the last preceding Section shall not attend or shall not show cause to the satisfaction of the Court why the decree should not be executed, the Court shall order the decree to be executed. If the person shall attend, and shall offer any objection to the enforcement of the decree, the Court shall pass such order as in the circumstances of the case may appear to be proper. (*Small Cause Courts.*)

On application for a general attachment of moveable property security may be required.

CCCLII. If the application is for a general attachment of the moveable property of the party liable under the decree, it shall be competent to the Court, if it think proper, before issuing an order for such attachment, to require the applicant to give security to the satisfaction of the Court, in such sum as may be considered adequate, for any injury that may be occasioned by the attachment of property belonging to any person other than the party liable as above. (*Small Cause Courts.*)

Before granting order, Court may examine person against whom application is made as to the property to be attached.

CCCLIII. Before granting the order for a general attachment, or at the instance of the holder of the decree at any time before complete execution of the decree, the Court may

summon the person against whom the application is made and examine him as to the property liable to be seized in satisfaction of the decree. (*Small Cause Courts.*)

The Court may summon and examine other persons as to the property.

CCCLIV. The Court may of its own motion or at the instance of any person interested in the enquiry, summon any other person whom it may think necessary and examine him in respect to any property liable to be seized in satisfaction of a decree, and may require the person summoned to produce any document in his possession or power relating to such property. (*Small Cause Courts.*)

ISSUE OF THE WARRANT.

Warrant when to issue.

CCCLV. When the preliminary measures (if any) required by the foregoing provisions have been taken, the Court, unless it see cause to the contrary, shall issue its warrant for the execution of the decree. (*Small Cause Courts.*)

How to be dated, signed, &c.

CCCLVI. The warrant for the execution of the decree shall bear the date of the day on which it is issued, and shall be signed by the Judge, or the Registrar or Clerk of the Court where there is such an Officer, and shall be sealed with the seal of the Court, and delivered to the proper Officer of the Court to be executed. (*Small Cause Courts.*)

Latest day for return of warrant to be specified.

CCCLVII. A day shall be specified in the warrant on or before which it is to be returned. (*Small Cause Courts.*)

Mode of execution to be endorsed.

CCCLVIII. The Officer entrusted with the execution of the warrant shall endorse thereupon the day on, and the manner in which it was executed; or if it was not executed, the reason why it was not executed, and shall return the warrant with such endorsement to the Court. (*Small Cause Courts.*)

OF THE EXECUTION OF DECREES FOR IMMOVEABLE PROPERTY.

How immoveable property to be delivered when in occupancy of defendant or of some person under him.

CCCLIX. If the decree be for any building, land or other immoveable property in the occupancy of the defendant or some person on his behalf, or of some person claiming under a title created by the defendant subsequently to the institution of the suit in which the decree was passed, the Court shall order delivery to be made by putting the party to whom the building, land or other immoveable property shall have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession of the property, and if need be, by removing any person who may refuse to vacate the same.

How to be delivered when in occupancy of tenant.

CCCLX. If the decree be for any building, land or other immoveable property in the occupancy of a tenant or other person entitled to occupy the same, the Court shall order delivery to be made by affixing a copy of the warrant in some conspicuous place on the building, land or other immoveable property, and proclaiming to the occupant of the property by beat of drum, or in such other mode as may be customary, at some convenient place or places, the substance of the decree in regard to the property.

Division of estate or separation of share how to be made.

CCCLXI. If the decree be for the division of an estate, or for the separate possession of a share of an undivided estate paying revenue to Government, the division of the estate or the separation of the share shall be made by the Collector under the orders of the Court according to the rules in force for the partition of an estate paying revenue to Government.

Obstruction to execution of decree for immoveable property.

CCCLXII. If in the execution of a decree for any building, land or other immoveable property, the Officer entrusted with the execution of the warrant shall be resisted or obstructed by any person, the person in whose favor the decree was made may complain to the Court at any time within one month from the time of such resistance or obstruction. The Court shall fix a day for investigating the complaint, and shall summon the party against whom the complaint is made to answer the same.

In case of obstruction by defendant or at his instigation Court how to proceed.

CCCLXIII. If it shall appear to the satisfaction of the Court that the obstruction or resistance was occasioned by the defendant, or by some person at his instigation, on the ground that the building, land, or other immoveable property is not included in the decree, or on any other ground, the Court shall enquire into the matter of the complaint and pass such order as may be proper in the circumstances of the case.

How defendant may be dealt with, if obstruction continues.

CCCLXIV. If the Court shall be satisfied, that the resistance or obstruction complained of was without any just cause, and that the complainant is still resisted or obstructed in obtaining effectual possession of the property adjudged to him by the decree, by the defendant or some person at his instigation, the Court may, at the instance of the holder of the decree, and without prejudice to any proceedings to which such defendant or other person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, commit the defendant or such other person to jail for such period not exceeding thirty days as may be necessary to prevent the continuance of such obstruction or resistance.

Procedure in case of obstruction by a *bonâ fide* claimant, other than the defendant.

CCCLXV. If it shall appear to the satisfaction of the Court that the resistance or obstruction to the execution of the decree has been occasioned by any person, other than the defendant, claiming *bonâ fide* to be in possession of the property on his own account or on account of some person other than the defendant, the claim shall be numbered and registered as a suit between the holder of the decree as plaintiff and the claimant as defendant, and the Court shall, without prejudice to any proceedings to which the claimant may be liable under any law for the time being in force for the punishment of such resistance or obstruction, proceed to investigate the claim in the same manner and with the like power as if a suit for the property had been instituted by the holder of the

decree against the claimant under the provisions of Chapter IV of this Code, and shall pass such order for staying execution of the decree, or executing the same, as it may deem proper in the circumstances of the case.

Procedure in case of person other than the defendant dispossessed of immoveable property disputing right of decree-holder to be put into possession of such property.

CCCLXVI. If any person other than the defendant shall be dispossessed of any building, land or other immoveable property in execution of a decree, and such person shall dispute the right of the holder of the decree to dispossess him of such property under the decree, on the ground that the property was *bonâ fide* in his possession on his own account or on account of some person other than the defendant, and that it was not included in the decree, or that, if it was included in the decree, he was not a party to the suit in which the decree was made, he may apply to the Court within one month from the date of such dispossession; and if, after examining the applicant, it shall appear to the Court that there is probable cause for making the application, the application shall be numbered and registered as a suit between the applicant as plaintiff, and the holder of the decree as defendant, and the Court shall proceed to investigate the matter in dispute in the same manner and with the like power as if a suit for the property had been instituted by the applicant against the holder of the decree under the provisions of Chapter IV of this Code.

Order passed under the last two Sections to have the force of a decree, and to be subject to a regular appeal.

CCCLXVII. The order passed under either of the last two Sections shall be in the nature of, and shall have the same force as a decree in a suit, and shall be subject to a regular appeal under the rules applicable to regular appeals from decrees; and no fresh suit shall be entertained in any Court between the same party or parties claiming under them in respect of the same cause of action.

Of the execution of Decrees for Money by attachment of Property.

Attachment of property in execution of decree for money.

CCCLXVIII. If the decree be for money, and the amount of the decree is to be levied from the property of the person against whom the decree shall have been made, the Court shall cause the property to be attached in the manner hereinafter provided. (*Small Cause Courts.*)

Attachment by seizure of moveable property in possession of defendant.

CCCLXIX. If the property consist of goods or any other moveable property in the possession of the defendant, the attachment shall be made by actual seizure, and the proper Officer shall keep the property in his own custody, or in the custody of one of his subordinates, and shall be responsible for the due custody thereof. (*Small Cause Courts.*)

Attachment, by prohibitory order, of moveable property of defendant subject to lien.

CCCLXX. If the property consist of goods or other moveable property to which the defendant is entitled subject to a lien or right of some other person to the immediate possession thereof, the attachment shall be made by a written order prohibiting the person in possession from giving over the property to the defendant. (*Small Cause Courts.*)

Attachment by prohibitory order of debts not being negotiable instruments, and of shares in public Companies, &c.

CCCLXXI. If the property consist of a debt not being a negotiable instrument, or of a share in any Railway, Banking, or other public Company or Corporation, the attachment shall be made by a written order prohibiting the creditor from receiving the debt, and the debtor from making payment thereof to any person whomsoever, until the further order of the Court, or prohibiting the person in whose name the share may be standing from making any transfer of the share or receiving payment of any dividend thereof, and the Manager, Secretary, or other proper Officer of the Company or Corporation from permitting any such transfer or making any such payment, until such further order. (*Small Cause Courts.*)

Attachment by prohibitory order of immoveable property.

CCCLXXII. If the property consist of any building, land, or other immoveable property, the attachment shall be made by a written order prohibiting the defendant from alienating the property by sale, gift, or in any other way, and all persons from receiving the same by purchase, gift, or otherwise.

Prohibitory order how to be made known in case of property not in possession of defendant.

CCCLXXIII. In the case of goods or other moveable property not in the possession of the defendant, the written order shall be fixed up in some conspicuous part of the Court-house, and a copy of the order shall be delivered or sent registered by post to the person in possession of the property. (*Small Cause Courts.*)

And in case of immoveable property.

CCCLXXIV. In the case of any building, land or other immoveable property, the written order shall be read aloud at some place on or adjacent to such building, land or other property, and shall be fixed up in a conspicuous part of the Court-house; and when the property is land or any interest in land, the written order shall also be fixed up in the Office of the Collector of the district in which the land is situate.

Attachment, by notice, of money or securities in deposit in a Court of Justice or with a Government Officer.

CCCLXXV. If the property consist of money or of any security in deposit in any Court of Justice or in the hand of any Officer of Government, which is or may become payable to the defendant or on his behalf, the attachment shall be made by a notice to such Court or Officer requesting that the money or security may be held subject to the further order of the Court.

Proviso.

Provided that, if such money or security is in deposit in any Court of Justice, any question of title or priority which may arise between the holder of the decree and any other person, not being the defendant, claiming to be interested in such money or security by virtue of any assignment, attachment, or otherwise, shall be determined by the Court in which such money or security is in deposit. (*Small Cause Courts.*)

Attachment of negotiable instruments by seizure.

CCCLXXVI. If the property consist of a negotiable instrument, the attachment shall be made by actual seizure, and the instrument shall be brought into Court, and shall be held subject to the further orders of the Court. (*Small Cause Courts.*)

CCCLXXVII. If the property consist of a debt, the written order shall be fixed up in a conspicuous part of the Court-house, and a copy of the written order shall be delivered or sent registered by post to the debtor, or to each debtor when there are more debtors than one. (*Small Cause Courts.*)

In case of debt, prohibitory order how to be made known.

CCCLXXVIII. If the property consist of a share in the capital or joint-stock of any Railway, Banking or other public Company or Corporation, the written order shall be fixed up in a conspicuous part of the Court-house, and a copy of the order shall be delivered or sent registered by post to the Manager, Secretary, or other proper Officer of the Company or Corporation. (*Small Cause Courts.*)

And in case of shares in Joint Stock of any Company or Corporation.

CCCLXXIX. When an attachment shall have been made by actual seizure, or by written order as aforesaid, and in the case of an attachment by written order, when it shall have been duly intimated and made known in manner aforesaid, any private alienation of the property attached, whether by sale, gift or otherwise, and any payment of the debt or dividend or share to the defendant during the continuance of the attachment, shall be null and void, as against the party on whose application the attachment was made, provided that the claim of such party shall not have been satisfied. (*Small Cause Courts.*)

Any private alienation of property after attachment to be void.

CCCLXXX. When a debtor is prohibited from making payment of his debt to the party to whom the money is owing, he may pay the amount into Court, and such payment shall have the same effect as payment to the party entitled to receive the same. (*Small Cause Courts.*)

Payment by a debtor who has been prohibited from making payment to his creditor.

CCCLXXXI. When the property attached consists of money or bank notes the Court may, at any time during the attachment, direct that such money or bank-notes, or a sufficient part thereof be paid over to the party entitled under the decree to receive the same. (*Small Cause Courts.*)

Court may direct money or bank notes attached to be paid to party entitled.

CCCLXXXII. The Court may direct that any moveable property attached not being money or bank-notes, or such portion thereof as may seem necessary for the satisfaction of the decree, shall be sold, and that the money which may be realized by such sale, or a sufficient part thereof, shall be paid to the party entitled under the decree to receive the same. (*Small Cause Courts.*)

Or that moveable property attached be sold, and proceeds be so paid.

CCCLXXXIII. When the property attached consists of land, if the defendant can satisfy the Court that there is reasonable ground to believe that the amount of the decree may be raised by the mortgage of the land, or by letting it on lease, or by disposing by private sale of a portion of the land or of any other property belonging to the defendant, it shall be competent to the Court, on the application of the defendant, to postpone the sale for such period as it may think proper, to enable the defendant to raise the amount.

Court may postpone sale of land to enable defendant to raise amount of decree by mortgage, &c.

CCCLXXXIV. When the property attached consists of debts due to the party who may be answerable for the amount of the decree, or of any building, land or other immoveable property, it shall be competent to the Court to appoint a Manager of the said property, with power to sue for the debts, and to collect the rents or other receipts and profits of the building, land or other immoveable property, and to execute such deeds or instruments in writing as may be necessary for the purpose, and to pay and apply such rents, profits, or receipts towards the payment of the amount of the decree and costs. Deeds and instruments executed by a Manager appointed under this Section shall be of the same force as if executed by the party to whom the debts which such Manager is empowered to recover are due, or to whom the building, land or other immoveable property, of which he is appointed Manager, belongs.

When property attached consists of debts or immoveable property, Manager may be appointed.

CCCLXXXV. When a Manager shall be appointed under the last preceding Section, the Court may grant him such fee or commission on his receipts or on the rents and profits of the property by way of remuneration, and all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as to the Court may seem proper, and the Manager so appointed shall be bound to render correct accounts of his receipts and disbursements from time to time as the Court may direct.

Remuneration, powers, &c., of Manager.

CCCLXXXVI. When in any district in which land paying revenue to Government is ordinarily sold by the Collector, the property attached consists of any such land, or of a share in any such land, and the Collector shall represent to the Court that the public sale of the land or share is objectionable, and that satisfaction of the decree may be made within a reasonable period by a temporary alienation of the land or share, the Court may authorize the Collector to make provision for such satisfaction in the manner recommended by the Collector, instead of proceeding to a public sale of the land or share. In any case in which such authority is given the Court may, if it deem proper, order that security be taken from the defendant for the amount of the decree.

When Court may authorize Collectors to stay public sale of land.

Court may order security to be taken.

CCCLXXXVII. In any part of British India in which any special Rules shall be in force at the time of this Code coming into operation, imposing conditions in respect to the sale of lands in execution of decrees for money, the local Government may continue such Rules in force or may from time to time modify the same with the sanction of the Governor General of India in Council. The Rules so in force shall, on this Code coming into operation in such part of British India, be published in the Official Gazette and any modification of such Rules which may thereafter be made shall be published in the like manner.

Special rules in force in any place, in respect to sales of land in execution of decrees for money, may be continued.

Order for withdrawal of attachment after satisfaction of the decree.

CCCLXXXVIII. If the amount decreed with costs and all charges and expenses which may be incurred by the attachment be paid into Court, or if satisfaction of the decree be otherwise made, an order shall be issued for the withdrawal of the attachment. If the defendant shall desire it and shall deposit in Court a sum sufficient to cover the expense, the order shall be proclaimed or intimated in the same manner as hereinbefore prescribed for the proclamation or intimation of the attachment, and such steps shall be taken as may be necessary for staying further proceedings in execution of the decree. (*Small Cause Courts.*)

OF CLAIMS TO ATTACHED PROPERTY.

How claims and objections to sale of attached property are to be investigated.

CCCLXXXIX. In the event of any claim being preferred to, or of any objection being offered against the sale of any building, land, or other immoveable property, or of any moveable property which may have been attached in execution of a decree, as not liable to be sold in execution of the decree against the defendant, the Court shall, subject to the proviso contained in Section CCCXCIII, proceed to investigate the claim or objection with the like power as regards the examination of such claimant or objector and in all other respects as if such claimant or objector had been originally made a defendant in the suit. (*Small Cause Courts.*)

When Court to order release of property from attachment.

CCCXC. If it shall appear to the satisfaction of the Court that the building, land or other immoveable property or that the moveable property was not in the possession of the party against whom execution is sought, or of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him at the time when the property was attached, or that, being in the possession of the party himself at such time, it was so in his possession not on his own account or as his own property, but on account of or in trust for some other person, the Court shall pass an order for releasing the property from attachment. (*Small Cause Courts.*)

When Court to disallow claim to release of property attached.

CCCXCI. If it shall appear to the satisfaction of the Court that the building, land or other immoveable property or that the moveable property was in possession of the party against whom execution is sought, as his own property, and not on account of any other person, or was in the possession of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him at the time when the property was attached, the Court shall disallow the claim and may order the sale to proceed at such time as it may think proper. (*Small Cause Courts.*)

Order of Court under last two sections not subject to appeal.

CCCXCII. The order which may be passed by the Court under either of the last two preceding Sections shall not be subject to appeal, but the party against whom the order may be given shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Claims and objections to be preferred at the earliest opportunity.

CCCXCIII. A claim to any attached property, or an objection to the sale of any such property, shall be made at the earliest opportunity to the Court which shall have ordered the attachment; and if the property to which the claim or objection applies shall have been advertized for sale, the sale may, if it appear necessary, be postponed pending the investigation into the claim or objection. Provided that no such investigation shall be made if it appear that the making of the claim or objection was designedly and unnecessarily delayed with a view to obstruct the ends of justice. (*Small Cause Courts.*)

Proviso.

Order refusing investigation not open to appeal.

CCCXCIV. An order passed under the last preceding Section disallowing the investigation shall not be open to appeal, and the claimant shall be left to prosecute his claim by a suit subject to the rules of limitation. (*Small Cause Courts.*)

OF SALES IN EXECUTION OF DECREES.

Sales by whom to be conducted and how made.

CCCXCV. Sales in execution of decrees shall be conducted by an Officer of the Court, or by any other person whom the Court may appoint, and except as provided in the next following Section, shall be made by public auction in manner hereinafter mentioned. (*Small Cause Courts.*)

Saving as to negotiable securities and shares in public Companies.

CCCXCVI. If the property to be sold consist of a negotiable instrument or of a share in any Railway, Banking, or other public Company or Corporation, it shall be competent to the Court, instead of directing the sale to be made by public auction, to authorize the sale of such instrument or share through a broker at the market rate of the day. (*Small Cause Courts.*)

Sale by Collector, of lands paying revenue to Government.

CCCXCVII. If the property to be sold be land paying revenue to Government, and the Government shall so direct, the sale shall be conducted by the Collector of the district on the requisition of the Court, under any rule not inconsistent with this Code which the Local Government may from time to time lay down.

Proclamation of sales by public auction.

CCCXCVIII. When any property, whether moveable or immoveable, is ordered to be sold by public auction in execution of a decree, a proclamation of the intended sale, specifying the time and place of sale, the property to be sold, the revenue assessed upon the estate or part of the estate, when the property to be sold is an estate or a part of an estate paying revenue to Government, and the amount for the recovery of which the sale is ordered, together with any other particulars that the Court may think necessary, shall be made in the current language of the district. The proclamation shall also declare that the sale will extend only to the right title and interest of the defendant in the property specified therein. (*Small Cause Courts.*)

Proclamation how to be made.

CCCXCIX. The proclamation shall be made on the spot where the property is attached by beat of drum or in such other

mode as may be customary; and a written notification to the same effect shall be affixed in the Court-house of the Judge who shall have ordered the sale, and in some conspicuous spot in the town or village in which the attachment may have taken place. When the property ordered to be sold consists of land or of any right or interest in land, the written notification shall also be affixed in the Office of the Collector of the district in which such land is situate and in the Court-house of the principal Civil Court of the district when the Court which ordered the sale is subordinate to such Court. (*Small Cause Courts.*)

Time of sale.

CCCC. No sale shall take place until after the expiration of at least thirty days in the case of immoveable property, and of at least fifteen days in the case of moveable property, calculated from the date on which the notification shall have been affixed in the Court-house of the Judge ordering the sale. (*Small Cause Courts.*)

Process for attachment and sale may, in certain cases, be simultaneous or otherwise.

CCCCI. The usual process for attachment and sale, when the property to be attached consists of any moveable property other than a debt, may be issued either successively or simultaneously as the Court directing the sale may, in each instance, think proper. (*Small Cause Courts.*)

Payment for moveable property sold.

CCCCII. If the property sold consist of moveable property, the price of each lot shall be paid for at the time of sale, or as soon after as the Officer holding the sale shall direct, and in default of payment, the property shall forthwith be again put up and sold. On payment of the purchase money, the Officer holding the sale shall grant a receipt for the same, and the sale shall become absolute. (*Small Cause Courts.*)

Irregularity not to vitiate sale of moveable property, but any person injured may recover damages by suit.

CCCCIII. No irregularity in the sale of moveable property shall vitiate the sale; but any person who may sustain any injury by reason of such irregularity may recover damages by a suit in Court. (*Small Cause Courts.*)

Deposit by purchaser of immoveable property.

CCCCIV. If the property sold consist of immoveable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and in default of such deposit, the property shall forthwith be again put up and sold. The full amount of purchase money shall be made good by the purchaser before sunset of the fifteenth day from the date on which the sale of the property took place, or if the fifteenth day be a Sunday or other close holiday, then on the first office day after the fifteenth day. In default of payment within such period, the deposit, after defraying the expenses of the sale, shall be forfeited to Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold. If the proceeds of the sale which is eventually consummated be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him in the manner provided by this Chapter for the execution of a decree for money.

Time for payment in full.

Consequence of default.

Defaulting purchaser answerable for loss by re-sale.

Co-sharer of an undivided estate sold in execution of decree may claim to take the share at the sale price.

CCCCV. When the land sold in execution of a decree is a share of an undivided estate, if the lot shall have been knocked down to a stranger, any co-sharer other than the party liable for the amount of the decree may claim to take the share sold at the sum at which the lot was knocked down. Provided that the claim be made on the day of sale and that the claimant fulfil all the conditions of the sale.

Proviso.

Notification on re-sale of immoveable property.

CCCCVI. Every re-sale of immoveable property in default of payment of the purchase money within the period allowed for such payment, shall be made after the issue of a fresh notification in the manner and for the period hereinbefore prescribed for the sale.

Confirmation of sale.

CCCCVII. No sale of immoveable property shall become absolute until the sale has been confirmed by the Court.

Sale not to be set aside on ground of irregularity unless substantial injury be proved.

CCCCVIII. At any time within thirty days from the date of the sale, application may be made to the Court to set aside the sale on the ground of any material irregularity in publishing or conducting the sale, but no sale shall be set aside on the ground of irregularity unless the applicant shall prove to the satisfaction of the Court that he has sustained substantial injury by reason of such irregularity.

If objection be disallowed, sale to be confirmed.

CCCCIX. If no such application as is mentioned in the last preceding Section be made, or if such application be made and the objection be disallowed, the Court shall pass an order confirming the sale. If such application be made, and if the objection be allowed, the Court shall pass an order setting aside the sale for irregularity.

Orders on objections to sale when final, and when open to appeal.

CCCCX. If the objection be allowed, no appeal shall lie from the order made to set aside the sale. If the objection be disallowed, the order confirming the sale shall be open to appeal. No suit shall lie to set aside or render void an order passed under this Section, whether in appeal or otherwise.

If sale set aside, price to be returned to purchaser.

CCCCXI. When a sale of immoveable property is set aside, the purchaser shall be entitled to receive back his purchase money with or without interest as the Court shall direct. If interest be awarded, payment shall be enforced in the mode provided by this Chapter for the execution of a decree for money.

Certificate to be granted to the purchaser of land.

CCCCXII. When a sale of immoveable property shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who may have been declared the purchaser of the property to the effect that he has purchased the right, title, and interest of the defendant in the property sold, and such certificate shall be taken and deemed to be a valid transfer of such right, title, and interest.

Certificate to state the name of actual purchaser. *Benamee* purchaser not recognized.

CCCCXIII. The certificate shall state the name of the person who, at the time of sale, is declared to be the purchaser, and any suit brought against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

Delivery of moveable property in possession of defendant.

CCCCXIV. When the property sold consists of any moveable property in the possession of the defendant, or to the immediate possession of which the defendant is entitled, and of which actual seizure has been made, the property shall be delivered to the purchaser. (*Small Cause Courts.*)

Delivery of moveable property to which defendant is entitled subject to lien.

CCCCXV. When the property sold consists of any moveable property to which the defendant is entitled subject to a lien or right of any person to the immediate possession thereof, the delivery to the purchaser shall, as far as practicable, be made by giving notice to the person in possession prohibiting him from delivering possession of the property to any person except the purchaser of the property. (*Small Cause Courts.*)

Delivery of immoveable property in the occupancy of defendant, &c.

CCCCXVI. When the property sold consists of any building, land or other immoveable property in the occupancy of the defendant or of some person on his behalf, or of some person claiming under a title created by the defendant subsequently to the attachment of such property, the Court shall order delivery thereof to be made by putting the party to whom the building, land or other immoveable property may have been sold, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be, by removing any person who may refuse to vacate the same.

Delivery of immoveable property in the occupancy of tenant, &c.

CCCCXVII. When the property sold consists of any building, land or other immoveable property in the occupancy of a tenant or other person entitled to occupy the same, the Court shall order delivery thereof to be made by affixing a copy of the certificate of sale in some conspicuous place on the land or other immoveable property, and proclaiming to the occupant of the property by beat of drum, or in such other mode as may be customary, at some convenient place or places, that the right, title, and interest of the defendant has been transferred to the purchaser.

Delivery of debts not being negotiable instruments, and of shares in public Companies.

CCCCXVIII. When the property sold consists of a debt not being a negotiable instrument, or of a share in any Railway, Banking or other public Company or Corporation, the delivery thereof shall be by a written order of the Court prohibiting the creditor from receiving the debt, and the debtor from making payment thereof to any person except the purchaser, or prohibiting the person in whose name the share may be standing, from making any transfer of the share to any person except the purchaser, or receiving payment of any dividend thereon, and the Manager, Secretary, or other proper Officer of the Company or Corporation from permitting any such transfer or making any such payment to any person except the purchaser. (*Small Cause Courts.*)

Delivery of negotiable instruments of which actual seizure has been made.

CCCCXIX. When the property sold consists of a negotiable instrument of which actual seizure has been made, the same shall be delivered to the purchaser of such security. (*Small Cause Courts.*)

Transfer of instruments and shares.

CCCCXX. If the endorsement or conveyance of the party in whose name a negotiable instrument or a share in any Railway, Banking, or other public Company or Corporation is standing, shall be required to transfer the same, the Judge may endorse the instrument or the certificate of the share, or may execute such other document as may be necessary for transferring the same. The endorsement or execution shall be in the following form or to the like effect—"A. B by C. D. Judge of the Court of (*or as the case may be*); in a suit by E. F. *versus* A. B." Until the transfer of such instrument or share, the Judge may by order appoint some person to receive any interest or dividend due thereon, and to sign a receipt for the same; and any endorsement made or document executed or receipt signed as aforesaid shall be as valid and effectual for all purposes as if the same had been made or executed or signed by the party himself.

Resisting or obstructing purchasers in obtaining possession of property.

CCCCXXI. If the purchaser of any immoveable property sold in execution of a decree shall be resisted or obstructed in obtaining possession of the property, the provisions of this Chapter relating to resistance or obstruction to a party in whose favor a decree has been made in obtaining possession of the property adjudged to him, shall be applicable in the case of such resistance or obstruction.

Obstruction by claimants other than defendants.

CCCCXXII. If it shall appear that the resistance or obstruction to the delivery of possession was occasioned by any person other than the defendant claiming a right to the possession of the property sold as proprietor, mortgagee, lessee, or under any other title, or if in the delivery of possession to the purchaser, any such person claiming as aforesaid shall be dispossessed, the Court, on the complaint of the purchaser, or of such person claiming as aforesaid, if made within one month from the date of such resistance or obstruction or of such dispossession as the case may be, shall enquire into the matter of the complaint and pass such order as may be proper in the circumstances of the case. The order shall

not be subject to appeal. but the party against whom it is given shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Attaching creditor to be first paid out of proceeds of property sold.

CCCCXXIII. When property is sold in execution of a decree, the holder of the decree on whose application such property was attached, whether during the pendency of the suit or in execution of the decree, shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of another decree whether of a prior or of a later date. (*Small Cause Courts.*)

Surplus to be rateably distributed among decree-holders who have taken out execution prior to the order for distribution.

CCCCXXIV. If, after the claim of the person on whose application the property was attached has been satisfied in full from the proceeds of the sale, any surplus remain, such surplus shall be distributed rateably amongst any other persons who, prior to the order for such distribution, may have taken out execution of decrees against the same defendant and may not have obtained satisfaction thereof. Provided that, when any property is sold subject to a mortgage, the mortgagee shall not be entitled to share in any surplus arising from such sale. (*Small Cause Courts.*)

Proviso where property is sold subject to a mortgage.

Court may order proceeds of property attached under a decree obtained fraudulently, to be paid in satisfaction of another decree.

CCCCXXV. If it shall appear to the Court, upon the application of the holder of a decree, that any other decree under which property has been attached was obtained by fraud or other improper means, the Court may order that the applicant shall be satisfied out of the proceeds of the property attached so far as the same may suffice for the purpose, if such other decree be a decree of the same Court; or, if it be a decree of another Court, may stay the proceedings to enable the applicant to obtain a similar order from the Court by which the decree was made (*Small Cause Courts.*)

Orders under last two Sections open to appeal.

CCCCXXVI. An order passed under either of the last two preceding Sections shall be open to appeal.

Of Arrest in Execution of Decrees for Money.

On what grounds application for discharge may be made.

CCCCXXVII. Any person arrested under a warrant in execution of a decree for money may, on being brought before the Court, apply for his discharge on the ground that he has no present means of paying the debt, either wholly or in part, or, if possessed of any property, that he is willing to place whatever property he possesses at the disposal of the Court. (*Small Cause Courts.*)

Application what to contain.

CCCCXXVIII. The application shall contain a full account of all property of whatever description belonging to the applicant, whether in expectancy or in possession, and whether held exclusively by himself or jointly with any other person, or by any other person in trust for him (except the necessary wearing apparel of himself and his family and the necessary implements of his trade), and of the place where such property is to be found, or shall state that, with the exceptions abovementioned, the applicant is not possessed of any property, and the application shall be subscribed and verified by the applicant in the manner hereinbefore prescribed for subscribing and verifying plaints. (*Small Cause Courts.*)

Verification.

Procedure on application for discharge by a person arrested in execution of a decree for money.

CCCCXXIX. When a person arrested under a warrant in execution of a decree for money shall, on being brought before the Court, apply for his discharge, under Section CCCCXXVII, the Court shall examine the applicant in the presence of the holder of the decree or his Advocate, as to his then circumstances, and as to his future means of payment. and shall call upon the holder of the decree to show cause why he does not proceed against any property of which the defendant is possessed, and why the defendant should not be discharged. Should the holder of the decree fail to show such cause, the Court may direct the discharge of the defendant from custody. (*Small Cause Courts.*)

Pending enquiry, the defendant may be left in custody or released on good security.

CCCCXXX. Pending any enquiry which the Court may consider it necessary to make into the allegations of either party, the Court may leave the defendant in the custody of the Officer of the Court to whom the service of the warrant was entrusted, on the defendant depositing the fees of such Officer, which shall be at the same daily rate as the lowest rate charged in the same Court for serving process; or if the defendant furnish good and sufficient security for his appearance at any time when called upon while such enquiry is being made, his surety undertaking in default of such appearance to pay the amount mentioned in the warrant, the Court may release the defendant on such security. *Small Cause Courts.*)

Defendant liable to be again arrested if proved guilty of fraudulent concealment of property, &c.

CCCCXXXI. The discharge of the defendant under Section CCCCXXIX shall not protect him from being arrested again and imprisoned if it should be shown that, in the application made by him, he had been guilty of any concealment or of wilfully making any false statement respecting the property belonging to him, whether in possession or in expectancy or held for him in trust, or had fraudulently concealed, transferred, or removed any property, or had committed any other act of bad faith; nor shall such discharge exempt from attachment and sale any property then in the possession of the defendant, or of which he may afterwards become possessed. (*Small Cause Courts.*)

Of the execution of Decrees by Imprisonment.

Where defendant, to be imprisoned in execution of decree, may be confined.

CCCCXXXII. The imprisonment of a defendant in execution of a decree may be in the Civil Jail of the district in which the Court ordering the imprisonment is held, or, when the Jail of such district does not afford suitable accommodation, in any Jail, though not in such district, where there may be suitable accommodation, which the local

Government may appoint for the confinement of persons or of any class of persons ordered to be imprisoned by the Courts of such district. (*Small Cause Courts.*)

Subsistence-money of a defendant in Jail how to be fixed and furnished.

CCCCXXXIII. When a defendant is committed to Jail in execution of a decree, the Court shall fix whatever monthly allowance it shall consider sufficient, with reference to the class of persons to which the defendant belongs, for his subsistence, but not exceeding four annas per day, which sum shall be supplied by the party on whose application the decree shall have been executed to the proper Officer of the Court or of the Jail in which the defendant may be confined, by monthly payments in advance, before the first day of each month. The first payment shall be made for such portion of the current month as may remain unexpired before the defendant is committed to Jail. (*Small Cause Courts.*)

Court may vary the allowance in case of illness or for other special cause.

CCCCXXXIV. The Court may, in case of illness or for other special cause, fix the monthly allowance at such sum not exceeding six annas per day as shall appear necessary. The order fixing such allowance may from time to time be revised and altered on due cause being shown. (*Small Cause Courts.*)

Subsistence-money to be added to amount of decree.

CCCCXXXV. Sums disbursed by the holder of a decree for the subsistence of a defendant in Jail shall be added to the costs of the decree, and shall be recoverable by the attachment and sale of the property of the defendant in the manner provided by this Chapter for the execution of a decree for money; provided that the defendant shall not be detained in Jail or arrested on account of any sum so disbursed. (*Small Cause Courts.*)

Release of defendant.

CCCCXXXVI. A defendant shall be released at any time on the decree being fully satisfied, or at the request of the person on whose application he may have been imprisoned, or on such person omitting to pay the allowance as above directed. (*Small Cause Courts.*)

Imprisonment not to exceed two years.

Or six months if decree do not exceed 500 Rs.

Or three months if not exceeding 50 Rs.

CCCCXXXVII. No person shall be imprisoned on account of a decree for a longer period than two years; or for a longer period than six months if the decree be for the payment of money not exceeding five hundred Rupees; or for a longer period than three months if the decree be for the payment of money not exceeding fifty Rupees. (*Small Cause Courts.*)

Application for discharge.

CCCCXXXVIII. Any person imprisoned in execution of a decree may at any time apply to the Court which ordered his imprisonment for his discharge. (*Small Cause Courts.*)

Application what to contain.

CCCCXXXIX. The application shall contain a full account of all property of whatever nature belonging to the applicant, whether in expectancy or in possession, and whether held exclusively by himself or jointly with any other person, or by any other person in trust for him (except the necessary wearing apparel of himself and his family and the necessary implements of his trade), and of the places respectively where such property is to be found. The application shall be subscribed and verified by the applicant in the manner hereinbefore provided for subscribing and verifying plaints. (*Small Cause Courts.*)

Verification.

Procedure on such application.

CCCCXL. On such application being made, the Court shall cause the holder of the decree to be furnished with a copy of the account of the property of the defendant, and shall fix a reasonable period within which the holder of the decree may cause the whole or any part of such property to be attached and sold, or may furnish proof that the defendant, for the purpose of procuring his discharge without satisfying the decree, has wilfully concealed property, or his right or interest therein, or fraudulently transferred or removed property, or committed any other act of bad faith. (*Small Cause Courts.*)

In what case defendant to be discharged.

CCCCLI. If within such period the holder of the decree shall fail to furnish such proof, the Court shall cause the defendant to be set at liberty. (*Small Cause Courts.*)

If fraud or concealment be proved, debtor's imprisonment may be extended to two years.

and may be further dealt with according to law.

CCCCXLII. If the holder of the decree shall, within the time specified, or at any subsequent period, prove to the satisfaction of the Court that the defendant has been guilty of any of the acts abovementioned, the Court shall, at the instance of the holder of the decree, either retain the defendant in confinement, or commit him to jail, as the case may be, unless he shall have already been in confinement two years on account of the decree; and may also, if it shall think proper, send the defendant to the Magistrate to be dealt with according to law. (*Small Cause Courts.*)

Defendant not to be twice imprisoned under same decree except under last Section.

CCCCXLIII. A defendant once discharged from jail shall not again be imprisoned on account of the same decree, except under the operation of the last preceding Section; but the property of the defendant shall continue liable to attachment and sale until the decree shall be fully satisfied, unless the decree shall be for money less than one hundred Rupees. (*Small Cause Courts.*)

When Court may declare defendant absolved from further liability.

CCCCXLIV. When the decree shall be for money less than one hundred Rupees, the Court may declare a defendant who shall be discharged as aforesaid absolved from further liability under such decree. (*Small Cause Courts.*)

How questions regarding amount of mesne profits and interest and sums paid in satisfaction of decrees, &c., are to be determined.

CCCCXLV. Questions regarding the amount of any mesne profits which by the terms of the decree may have been reserved for adjustment in the execution of the decree, or of any mesne profits or interest which may be payable in respect of the subject matter of a suit between the date of the institution of the suit and execution of the decree, as well as questions relating to sums alleged to have been paid in discharge or satisfaction of the decree or the like, and any other questions arising between

the parties to the suit in which the decree was passed and relating to the execution of the decree, shall be determined by order of the Court executing the decree, and not by a separate suit. (*Small Cause Courts.*)

Appeal from order passed under last Section.

CCCCXLVI. Orders passed under the last preceding Section shall, when a regular appeal is allowed from the decree in the execution of which the orders were passed, be open to appeal; provided that, if upon a perusal of the petition of appeal and of the order against which the appeal is made, the Court shall see no reason to alter the order, it may reject the appeal, and it shall not be necessary in such case to issue a notice to the opposite party before the order of rejection is passed.

OF PAYMENT OF THE AMOUNT OF DECREES FOR MONEY BY INSTALMENTS.

Court may order payment by instalments.

CCCCXLVII. The Court may order that the amount of a decree for money be paid by instalments on such terms as to the payment of interest, the attachment of the property of the defendant, or the taking of security from him or otherwise as it may deem proper, notwithstanding that the decree may contain no provision for the payment of the amount decreed by instalments. (*Small Cause Courts.*)

EXECUTION OF WARRANT OF ARREST OR OTHER PROCESS IN MILITARY CANTONMENTS, &c.

Warrant of arrest or other process in execution of decrees how to be enforced in Military Cantonments, &c.

CCCCXLVIII. If, in the execution of a decree, a warrant of arrest or other process is to be enforced within the limits of a Cantonment, Garrison, Military Station, or Military Bazar, the Officer entrusted with the execution of such warrant or other process shall carry the same to the Commanding Officer, or in his absence to the senior Officer actually present in the Cantonment, Garrison, Station, or Military Bazar; and the Commanding Officer or such senior Officer, upon such warrant or other process being produced to him, shall back the same with his signature, and, in the case of a warrant of arrest, shall cause the person named in the warrant to be arrested if within the limits of his command, and delivered, according to the exigency of the warrant, to the Officer charged with the execution thereof. (*Small Cause Courts.*)

OF EXECUTION OF A DECREE BEYOND THE LOCAL LIMITS OF THE JURISDICTION OF THE COURT BY WHICH IT WAS PASSED.

Decree of one Court may be executed within the jurisdiction of another Court.

CCCCXLIX. A decree of any Court in any part of British India, or established by the authority of the Governor-General of India in Council in the territories of any Foreign Prince or State, which cannot be executed within the jurisdiction of the Court whose duty it is to execute the same, may be executed in the manner hereinafter provided, within the jurisdiction of any other such Court. Provided that no Court of Small Causes shall execute the decree of any other Court, except a decree for money of an amount, exclusive of costs, not exceeding the pecuniary jurisdiction of the Court of Small Causes to which the application for the execution of the decree of another Court is made, as prescribed by any law for the time being in force. (*Small Cause Courts.*)

Proviso.

Application for such execution.

CCCCL. The holder of a decree may apply to the Court whose duty it is to execute the decree, to transmit a copy of the decree, together with a certificate setting forth that satisfaction of the decree has not been obtained by execution within the jurisdiction of such Court, or where the decree has been executed in part, the extent to which satisfaction has been obtained, and what part of the decree remains unexecuted, and a copy of any order for execution of the decree that may have been passed, to the Court by which the holder of the decree wishes the decree to be executed. (*Small Cause Courts.*)

Court how to proceed.

CCCCLI. The Court, unless there be any sufficient reason to the contrary, shall cause such copies and certificate to be prepared and shall transmit the same by post to the Court by which the holder of the decree wishes the decree to be executed, if such Court be within the same district, or otherwise to the Principal Civil Court of original jurisdiction in the district in which the holder of the decree wishes that execution may take place. Such copies and certificate shall be signed by the Judge of the Court or by the Registrar or Clerk of the Court where there is such an Officer, and shall be sealed with the seal of the Court. (*Small Cause Courts.*)

Court receiving copies of decree, &c., may file same without proof or require proof.

CCCCLII. The Court to which such copies and certificate are transmitted shall cause the same to be filed, without any proof of the decree or order for execution, or of the copies thereof, or of the seal or jurisdiction of any Court, or of the signature of any Judge, Registrar or Clerk, unless the Court shall, under any peculiar circumstances to be specified in an order, require such proof. (*Small Cause Courts.*)

Transmitted copy of decree or order to have same effect as decree of Court to which it is sent for execution.

CCCCLIII. The copy of the decree and of any order for execution, when filed in the Court to which such copy shall have been transmitted for the purpose of being executed as aforesaid, shall for such purpose have the same effect as a decree or order for execution made by such Court, and may, if the Court be the Principal Civil Court of original jurisdiction in the district, be executed by such Court, or any Court subordinate thereto, to which it may entrust the execution of the same. (*Small Cause Courts.*)

Execution how to be enforced by Court applied to.

CCCCLIV. When the holder of the decree which shall have been transmitted under the foregoing provisions for execution by a Court other than the Court which passed the decree, shall apply for execution of the decree to the Court to which the decree shall have been so transmitted, such Court or any subordinate Court to which the execution of the decree may be entrusted, shall proceed to execute the decree according to the provisions of this Chapter so far as the same can be made applicable, or to its own rules in the like cases when such rules exist and have the force

of law: provided that such Court shall have no power to enquire into the validity of the decree unless it appear upon the face of the decree that the Court by which it was made had no jurisdiction to make the decree. (*Small Cause Courts.*)

Proviso.

CCCCLV. If the Court to which the decree is transmitted for execution be a High Court, the decree shall be executed by such Court in the same manner as if the decree had been passed by such Court in the exercise of its ordinary original Civil jurisdiction: provided that no decree shall be transmitted for execution by a High Court if the decree was made by a Court of Small Causes.

Execution by High Court of decree transmitted by other Court.

Proviso.

CCCCLVI. The Court to which such application is made or referred for execution as aforesaid, shall take cognizance of and punish all wrongful acts or irregularities done or committed in executing such decree; and all persons disobeying or obstructing the execution of such decree shall be punishable by such Court in the same manner as if the decree had been made by such Court. (*Small Cause Courts.*)

Wrongful acts or irregularities in executing decree to be punished by Court applied to.

CCCCLVII. The Court to which such application is made or referred as aforesaid may, upon good and sufficient cause being shown, stay the execution of the decree for a reasonable time, to enable the defendant to apply to the Court by which the decree was passed, or to any Court having appellate jurisdiction in respect of the decree or the execution thereof, for an order to stay the execution, or for any other order relating to the decree or the execution thereof, which such Court of first instance or appellate Court might have made if execution had been issued by such Court of first instance, or if application for execution had been made to such Court, and in case the property or person of the defendant shall have been seized under an execution, the Court which issued the execution may order the restitution of the property or the discharge of the person of the defendant pending the result of such application. (*Small Cause Courts.*)

Court applied to may in certain cases stay execution, &c.

CCCCLVIII. Before making an order to stay execution or for the restitution of the property or the discharge of the defendant under the last preceding Section, the Court may require such security from, or impose such conditions upon, the defendant, as it may deem reasonable. (*Small Cause Courts.*)

Before making any order under last section, Court may require security from, or impose conditions upon defendant.

CCCCLIX. Any order of the Court in which the decree was passed, or of such Court of appeal as aforesaid, shall be binding upon the Court to which the application for execution was made, and shall be a sufficient indemnity for all persons acting in execution of process issued by such last mentioned Court. (*Small Cause Courts.*)

Order of Court passing decree or of Appellate Court to be binding upon Court applied to.

CCCCLX. No discharge of a defendant under the provisions of Section CCCCXLI shall prevent such defendant from being re-taken in execution of the decree. (*Small Cause Courts.*)

Liability of defendant discharged to be re-taken.

CCCCLXI. The orders of a Court for executing the decree of another Court shall be subject to the same rules in respect to appeal, as if the decree had been originally passed by the Court making such order.

What appeal from orders of a Court for executing decree of another Court.

ENFORCEMENT OF REGISTERED BONDS AND OTHER INSTRUMENTS.

CCCCLXII. A bond or other written obligation for the payment of money which shall have been registered under the provisions of Act XVI of 1864, (*to provide for the registration of Assurances*) may be enforced without a suit; provided that the parties to such bond or other obligation shall, at the time of the registration thereof, have signified their assent to such bond or other obligation being so enforced, and that such assent shall have been recorded at the foot of the memorandum of registration on such bond or other obligation at the time it was registered. (*Small Cause Courts.*)

When registered bonds may be enforced without suit.

Proviso.

CCCCLXIII. No bond or other obligation for the payment of money shall be enforced under the provisions of the last preceding Section unless application for enforcement of the same be made within twelve months from the date on which the whole amount secured thereby became payable. (*Small Cause Courts.*)

But application for enforcement must be made within a period fixed.

CCCCLXIV. Any person who is desirous of enforcing a bond or other obligation for the payment of money under Section CCCCLXII may apply to any Court which would have had jurisdiction to try a suit on such bond or other obligation as aforesaid, for enforcement of the same. (*Small Cause Courts.*)

Court to which application may be made for enforcing bonds.

CCCCLXV. Such application shall be treated as an application for the execution of a decree, and the foregoing provisions of this Chapter relating to execution of decrees shall, except as hereinafter provided, be considered applicable in such case so far as the same can be applied. (*Small Cause Courts.*)

Application to be treated as for execution of a decree.

CCCCLXVI. The Court to which such application is made shall cause a notice to be served on the person against whom the enforcement is claimed, calling on him to show cause within the time specified in such notice, why execution for the amount stated in the application should not be issued against him. (*Small Cause Courts.*)

Procedure of Court on receipt of application.

CCCCLXVII. If the person making the application shall satisfy the Court that the party against whom the claim is made is about to leave the jurisdiction of the Court, or to dispose of or remove his property from the jurisdicton of the

Attachment may issue against debtor about to quit jurisdiction, or to move property therefrom.

Court in order to evade payment of the money claimed to be due from him, the Court may issue process of attachment against the person or property of such party. (*Small Cause Courts.*)

What provisions to apply to issue of such attachment.

CCCCLXVIII. Whenever such attachment is applied for, the provisions contained in Chapter IV of this Code relating to arrest and attachment before judgment shall be applicable. (*Small Cause Courts.*)

Compensation to person against whom claim is made, if arrest or attachment of property be applied for on insufficient grounds, &c.

CCCCLXIX. If it appear to the Court that the arrest of the person against whom the claim is made, or the attachment of his property, was applied for on insufficient grounds, or if the application for enforcing the bond or other obligation for the payment of money is disallowed, and it appear to the Court that there was no ground for making the application, the Court may, on the application of the party against whom the claim is made, award in its order against the party making the application such sum not exceeding one thousand Rupees as it may deem a reasonable compensation to the party against whom the claim is made for his arrest or the attachment of his property. Provided that the Court shall not award a larger amount of compensation under this Section than it is competent to such Court to decree in an action for damages. An award of compensation under this Section shall bar any suit for damages in respect of such arrest or attachment. (*Small Cause Courts.*)

Proviso.

If the person appear and show cause against issue of execution.

CCCCLXX. If the person against whom execution is claimed shall attend within the time mentioned in the notice, and show cause why execution should not be issued against him, the Court shall enquire into his objection, and pass such order as it shall think proper. (*Small Cause Courts.*)

What may be pleaded in bar of execution.

CCCCLXXI. No person shall be allowed to plead in bar of execution any plea other than that he was not a party to the registration of the bond or other obligation as aforesaid, or that the Court has not jurisdiction, or that the application is barred in consequence of its not having been made within the time allowed, or that the bond or other obligation as aforesaid has been paid or has been satisfied in some other way, or is no longer claimable for any reason, or that the amount claimed exceeds that which is remaining due whether for principal or interest, or, when application is made against a person as the representative of a deceased person, that he is not such representative. (*Small Cause Courts.*)

Court may at discretion direct institution of suit, instead of enforcing bond, &c., under this Act.

CCCCLXXII. The Court to which application is made for the enforcement of a bond or other obligation for the payment of money under Section CCCCLXII may, for any sufficient reason, instead of granting such application, order that a suit shall be brought on such bond or other obligation as aforesaid. (*Small Cause Courts.*)

Effect of Court refusing to enforce bond, &c., under Section CCCCLXII.

CCCCLXXIII. No suit between the same parties shall be entertained on any bond or other obligation for the payment of money, the enforcement of which shall have been refused by the Court on an application for enforcement made under Section CCCCLXII otherwise than as barred by lapse of time, unless the Court shall have directed a suit to be brought thereon. (*Small Cause Courts.*)

Foregoing provisions not to bar institution of suit on bond, &c., after lapse of period indicated.

CCCCLXXIV. Nothing in the foregoing Sections shall be held to prevent the obligee of a bond or other obligation for the payment of money, registered as above, from instituting a suit to recover the amount subject to the rules of limitation for the time being in force, instead of applying for the enforcement of the bond or other obligation under the foregoing provisions. (*Small Cause Courts.*)

Order of Court issuing execution, or refusing to issue it, open to appeal.

CCCCLXXV. The order of the Court for issuing execution or refusing to issue execution on any bond or other obligation for the payment of money under the foregoing provisions shall be open to appeal to the Court empowered to hear appeals from decrees passed by the same Court in suits.

Rules contained in this Chapter applicable to execution of judicial process in miscellaneous proceedings.

CCCCLXXVI. The rules contained in this Chapter shall be applicable to the execution of any judicial process for the sale of property or for the payment of money which may be ordered by any Court in any miscellaneous case or proceeding.

Attendance, examination and punishment of witnesses required to give evidence.

CCCCLXXVII. The provisions of Chapter IV of this Code relating to the summoning, attendance, and examination of witnesses, and to the remuneration of and penalties to be imposed upon witnesses shall apply to witnesses required to give evidence or to produce documents under the provisions of this Chapter. Any penalty to which a witness may be liable under this Section shall be imposed by the Court from which the process was issued. (*Small Cause Courts.*)

CHAPTER VI.

OF PAUPER SUITS.

Suits may be brought *in formâ pauperis.*

CCCCLXXVIII. A suit may be brought *in formâ pauperis* in the Court having jurisdiction over the claim, subject to the following rules. (*Small Cause Courts.*)

What suits excepted.

CCCCLXXIX. No suit shall be brought *in formâ pauperis* to recover money on account of damages for loss of caste, slander, abusive language, or assault. (*Small Cause Courts.*)

Application to be by petition on stamped paper.

CCCCLXXX. The application for permission to institute a suit *in formâ pauperis* shall be by petition written on a stamp paper of the value of eight annas. (*Small Cause Courts.*)

Petition what to contain.

CCCCLXXXI. The petition shall contain the particulars required by Section L of this Code in regard to plaints in suits, and shall have annexed to it a Schedule of any moveable or immoveable property belonging to the petitioner, with the estimated value thereof, and shall be subscribed and verified in the manner prescribed by this Code for the subscription and verification of plaints. (*Small Cause Courts.*)

How to be presented.

CCCCLXXXII. The petition shall be presented to the Court by the petitioner in person; but if the petitioner satisfy the Court that he is prevented by sickness from attending the Court in person, or if the petitioner be a female who according to the custom and manners of the country, ought not to be compelled to appear in public, the petition may be presented by a duly authorized agent who may be able to answer all material questions relating to the application, and who shall be liable to be examined in the same manner as the party represented by him might have been examined had such party attended in person. (*Small Cause Courts.*)

When petition to be rejected.

CCCCLXXXIII. If the petition be not framed or presented in the manner laid down in the last two preceding Sections, the Court shall reject the petition. (*Small Cause Courts.*)

If in form, Court how to proceed.

CCCCLXXXIV. If the petition be in form and duly presented, the Court shall proceed to examine the petitioner, or the agent of the petitioner when the petitioner is allowed to appear by agent, regarding the merits of the claim and the property of the petitioner. When the petition is presented by an agent, the Court may, if it think proper, order that the petitioner be examined by a Commission in the manner in which the examination of an absent witness may be taken under the provisions of this Code. (*Small Cause Courts.*)

If presented by agent, Court may order petitioner to be examined by Commission.

Grounds on which application shall be rejected.

CCCCLXXXV. If it appear to the Court upon such examination that the defendant, or the matter of the suit, is not within the jurisdiction of the Court, or that the right of action is barred by lapse of time, or that the allegations of the petitioner do not constitute a ground of action, or (if none of the objections above stated exist) that the petitioner has failed to show that he is not possessed of sufficient means to enable him to pay for the stamp duty required for the institution and prosecution of the suit, or that the petitioner has recently disposed of any property fraudulently or with a view to obtain the benefit of this Chapter, the Court shall refuse to allow the petitioner to sue *in formâ pauperis*. (*Small Cause Courts.*)

Notice to opposite party if application be not refused.

CCCCLXXXVI. If upon such examination the Court shall see no reason to refuse the application on any of the grounds stated in the last preceding Section, it shall fix a day, of which at least ten days' previous notice shall be given to the opposite party, for receiving such evidence as the petitioner may adduce in proof of his pauperism, and for hearing any evidence which the opposite party may bring forward in disproof of the pauperism of the petitioner. (*Small Cause Courts.*)

Court how to proceed.

CCCCLXXXVII. On the day appointed for the hearing, or as soon after as may be convenient, the Court shall consider any objections made by the opposite party, and shall examine any witnesses produced by either party, and make a memorandum of the substance of their evidence, and shall either allow or refuse to allow the petitioner to sue *in formâ pauperis*. (*Small Cause Courts.*)

Summons to witness.

CCCCLXXXVIII. Either party may on application to the Court made in sufficient time before the day fixed for the hearing of the case, obtain a summons to any person to attend either to give evidence or to produce a document. (*Small Cause Courts.*)

Court may first institute local enquiry.

CCCCLXXXIX. Previously to passing a final order in the case, the Court may, if it deem fit, institute a local enquiry, in the manner laid down in Chapter IV of this Code, regarding the property of the petitioner or regarding the amount or value of any property claimed. (*Small Cause Courts.*)

Course of proceeding if application admitted.

CCCCXC. If the application of the petitioner be granted, it shall be numbered and registered, and shall be deemed the plaint in the suit, and the suit shall proceed in all other respects as a suit instituted under Chapter IV of this Code, except that the plaintiff shall not be liable to any further stamp duty in respect of any petition, appointment of an Advocate, or other proceeding connected with the suit. (*Small Cause Courts.*)

On decision of suit, costs how to be calculated, and from whom recovered.

CCCCXCI. On the decision of the suit, the Court shall calculate the amount of stamp duty which would have been paid by the plaintiff if he had not been permitted to sue *in formâ pauperis*, and such amount shall be recoverable by Government from any party ordered by the decree to pay the same, in the same manner as costs of suit are recoverable under this Code. (*Small Cause Courts.*)

Refusal to allow to sue as pauper, to bar subsequent application of like nature.

CCCCXCII. The refusal to allow the petitioner to sue *in formâ pauperis* shall be a bar to any subsequent application of the like nature in respect of the same cause of action; but the plaintiff shall be at liberty to institute a suit in the ordinary manner in respect of such cause of action, unless precluded by any law for the time being in force for the limitation of actions. (*Small Cause Courts.*)

No appeal from orders under this Chapter.

CCCCXCIII. No order passed by the Court under this Chapter shall be open to appeal. (*Small Cause Courts.*)

Attendance, remuneration, &c., of witnesses.

CCCCXCIV. The provisions of this Code relating to the summoning, attendance, and examination of witnesses, and to the remuneration of and penalties to be imposed upon witnesses, shall apply to witnesses and other persons required to give evidence or to produce documents under the provisions of this Chapter. (*Small Cause Courts.*)

CHAPTER VII.

REFERENCE TO ARBITRATION.

Parties to suit may apply to refer to arbitration.

CCCCXCV. If the parties to a suit are desirous that the matters in difference between them in the suit, or any of such matters, shall be referred to arbitration, they may at any time before final judgment apply to the Court for an order of reference. (*Small Cause Courts.*)

Application how to be made.

CCCCXCVI. The application shall be in writing, and shall bear the stamp prescribed for petitions to the Court where a stamp is required for petitions. (*Small Cause Courts.*)

Nomination of arbitrators.

CCCCXCVII. The arbitrator or arbitrators shall be nominated by the parties in such manner as may be agreed upon between them. (*Small Cause Courts.*)

When Court to nominate arbitrators.

CCCCXCVIII. If the parties cannot agree with respect to the nomination of the arbitrator or arbitrators, or if the person or persons whom they nominate shall refuse to accept the arbitration, and the parties are desirous that the nomination shall be made by the Court, the Court shall nominate the arbitrator or arbitrators. (*Small Cause Courts.*)

Order of reference.

CCCCXCIX. The Court shall, by an order, refer to the arbitrator or arbitrators the matter in difference in the suit which he or they may be required to determine, and shall fix such time as it may think reasonable for the delivery of the award, and the time so fixed shall be specified in the order. (*Small Cause Courts.*)

When reference is to two or more arbitrators, order to provide for difference of opinion.

D. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or if the number of arbitrators be uneven, by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint an umpire, or otherwise as may be agreed upon between the parties; or if they cannot agree, as the Court may determine. (*Small Cause Courts.*)

In case of death, incapacity, or refusal to act, of arbitrators or umpire, Court to appoint others.

DI. If the arbitrator, or where there are more arbitrators than one, any of the arbitrators, or the umpire shall die or refuse or become incapable to act, it shall be lawful for the Court to appoint a new arbitrator or umpire in the place of the person so dying, or refusing or becoming incapable to act. (*Small Cause Courts.*)

Umpire, if not appointed by arbitrators, may be appointed by Court.

DII. Where the arbitrators are empowered by the terms of the order of reference to appoint an umpire, and do not appoint an umpire, any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if within seven days after such notice shall have been served, no umpire be appointed, it shall be lawful for the Court, upon the application of the party having served such notice as aforesaid, and upon proof to its satisfaction of such notice having been served, to appoint an umpire. (*Small Cause Courts.*)

Power of arbitrator or umpire appointed under last two Sections.

DIII. An arbitrator or umpire appointed under either of the last two preceding Sections shall have the like power to act in the reference, as if his name had been inserted in the order of reference. (*Small Cause Courts.*)

Summoning witnesses.

DIV. The Court shall issue the same processes to the parties and witnesses whom the arbitrator or arbitrators or umpire may desire to examine, as the Court is authorized to issue in suits tried before it. Persons not attending in consequence of such process, or making any other default, or refusing to give their testimony, or being guilty of any contempt to the arbitrator or arbitrators or umpire during the investigation of the matters referred, shall be subject to the like disadvantages, penalties, and punishments by order of the Court, on the representation of the arbitrator or arbitrators or umpire, as they would incur for the like offences in suits tried before the Court. (*Small Cause Courts.*)

Punishment for default, &c.

Extension of time for making award.

DV. If the arbitrator or arbitrators shall not be able to complete the award within the period specified in the order, from the want of the necessary evidence, or information, or other good and sufficient cause, the Court may grant a further time and may from time to time enlarge the period for the delivery of the award, if it shall think proper. (*Small Cause Courts.*)

When umpire may arbitrate in lieu of arbitrators.

DVI. When an umpire shall have been appointed, it shall be lawful for him to enter on the reference in the place of the arbitrators, if they shall have allowed their time or their extended time to expire without making an award, or shall have delivered to the Court or to the umpire a notice in writing, stating that they cannot agree. (*Small Cause Courts.*)

Award how to be submitted to Court.

DVII. When an award in a suit shall be made by the arbitrator or arbitrators or by the umpire, it shall be submitted to the Court under the signature of the person or persons by whom it may be made, together with any exhibits which may have been filed, and a full memorandum of all the proceedings had and of all the evidence taken or received in the course of the reference. (*Small Cause Courts.*)

Arbitrator or umpire may state special case.

DVIII. It shall be lawful for the arbitrator or arbitrators or umpire upon any reference, by an order of Court, if he or they shall think fit, and if it is not provided to the contrary, to state his or their award as to the whole or any part thereof in the form of a special case for the opinion of the Court. (*Small Cause Courts.*)

Court may, on application, modify or correct award in certain cases.

DIX. The Court may, on the application of either of the parties, modify or correct an award where it appears that a part of the award is upon a matter not referred to arbitration, provided such part can be separated from the other part, and does not affect the decision on the matter referred, or where the award is imperfect in form or contains

any obvious error which can be amended without affecting such decision. (*Small Cause Courts.*)

And make order respecting costs of arbitration.

DX. The Court may also, on the application of either of the parties, make such order as it thinks just respecting the costs of the arbitration, if any question arise respecting such costs and the award contain no sufficient provision concerning them. (*Small Cause Courts.*)

In what cases Court may remit award or matter referred to arbitration, for re-consideration.

DXI. In any of the following cases the Court shall have power to remit the award or any matter referred to arbitration to the re-consideration of the same arbitrator or arbitrators or umpire upon such terms as it may think proper; that is to say:—

1*st.* If the award has left undetermined any of the matters referred to arbitration, or if it determine any matter not referred to arbitration.

2*nd.* If the award is so indefinite as to be incapable of execution.

3*rd.* If an objection to the legality of the award is apparent upon the face of the award. (*Small Cause Courts.*)

Award not to be set aside except on certain grounds.

DXII. No award shall be liable to be set aside except on the ground of corruption or misconduct of the arbitrators or umpire, or of the award having been made after the issue of an order by the Court superseding the arbitration and recalling the suit, or of the award not having been made within the period or further period allowed by the Court; provided that an award shall not be set aside on the last mentioned ground, unless it be proved to the satisfaction of the Court that the delay in completing the award arose from the corruption or misconduct of the arbitrator or arbitrators or umpire. (*Small Cause Courts.*)

Proviso.

Application to set aside award.

DXIII. The application to set aside an award shall be made within ten days after the award has been submitted to the Court, and shall be written on the stamp paper prescribed for petitions to the Court where a stamp is required for petitions. (*Small Cause Courts.*)

Judgment of the Court.

DXIV. If the Court shall not see cause to remit the award or any of the matters referred to arbitration for re-consideration in manner aforesaid, and if no application shall have been made to set aside the award, or if the Court shall have refused such application, the Court shall proceed to pass judgment according to the award or according to its own opinion on the special case if the award shall have been submitted to it in the form of a special case; and upon the judgment which shall be so given, decree shall follow and shall be carried into execution in the manner provided in this Code for the execution of decrees.

Judgment when according to award to be final.

DXV. In every case in which judgment shall be given according to the award, the judgment shall be final.

Agreement of parties to refer to arbitration may be filed in Court.

DXVI. When any persons shall by an instrument in writing that any difference between them or any of them shall be referred to the arbitration of any person named in the agreement or to be appointed by any Court having jurisdiction in the matter to which the agreement relates, application may be made by the parties thereto or any of them that the agreement be filed in such Court.

Application how to be stamped, &c.

DXVII. The application shall be written on a stamp paper, of one-fourth of the value prescribed for plaints in suits, and shall be numbered and registered as a suit between one or more of the parties interested or claiming to be interested as plaintiff or plaintiffs, and the others or other of them as defendants or defendant, if the application have been presented by all the parties or, if otherwise, between the applicant as plaintiff and the other parties as defendants.

Notice to show cause against filing it.

DXVIII. On such application being made, the Court shall direct notice thereof to be given to any of the parties to the agreement other than the applicants, requiring such parties to show cause, within the time specified in the notice, why the agreement should not be filed.

If no cause shown, agreement to be filed.

DXIX. If no sufficient cause be shown against the agreement, the agreement shall be filed and an order of reference to arbitration shall be made thereon.

Provisions of this Chapter applicable.

DXX. The foregoing provisions of this Chapter so far as they are not inconsistent with the terms of any agreement so filed, shall be applicable to all proceedings under an order of reference made by the Court under the last preceding Section and to the award of arbitration and to the enforcement of the decree based thereupon.

Filing award in matter referred to arbitration without intervention of Court.

DXXI. When any matter has been referred to arbitration without the intervention of a Court of Justice and an award has been made, any person interested in the award may within six months from the date of the award make application to the Court having jurisdiction in the matter to which the award relates, that the award be filed in Court. The application shall be written on the stamp paper prescribed for petitions to the Court where a stamp is required for petitions, and shall be numbered and registered as a suit between the applicant as plaintiff and the other parties as defendants. The Court shall direct notice to the given to the parties to the arbitration other than the applicant requiring such parties to show cause, within a time to be specified, why the award should not be filed.

Application how to be made, &c.

Notice to parties to arbitration.

Enforcement of such award.

DXXII. If no sufficient cause be shown against the award, the award shall be filed and may be enforced as a decree upon an award made under the provisions of this Chapter. The order for enforcing the award shall be open to appeal.

CHAPTER VIII.

Of proceedings on agreement of parties.

How questions may be raised for the decision of a Court by any persons interested.

Parties interested in questions of fact or law may agree to abide by finding of Court thereon.

DXXIII. Parties interested or claiming to be interested in the decision of any question of fact or law, may enter into an agreement which shall be subject to the same stamp duty as prescribed for plaints in suits, that upon the finding of a Court in the affirmative or negative of such question of fact or law, a sum of money fixed by the parties, or to be determined by the Court, shall be paid by one of the parties to the other of them; or that some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or that one or more of the parties shall do or perform some particular legal act, or shall refrain from doing or performing some particular act specified in the agreement. (*Small Cause Courts.*)

Agreement what to contain.

DXXIV. If the agreement is for the delivery of some property, moveable or immoveable, or for the doing or performing or the refraining to do or perform any particular act, the estimated value of the property to be delivered, or to which the act specified may have reference, shall be stated in the agreement. (*Small Cause Courts.*)

Agreement to be filed and numbered as a suit.

DXXV. The agreement may be filed in any Court having jurisdiction in the matter to which it relates, and, when so filed, shall be numbered and registered as a suit between one or more of the parties interested or claiming to be interested as plaintiff or plaintiffs, and the others or other of them as defendants or defendant; and notice shall be given to all the parties to the agreement other than the party or parties by whom it was presented. (*Small Cause Courts*).

Parties to be subject to Court's jurisdiction.

DXXVI. After the agreement shall have been filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by the statements contained therein. (*Small Cause Courts.*)

Hearing and disposal of the case.

DXXVII. The case shall be set down for hearing as a suit instituted under Chapter IV of this Code, the provisions of which shall apply to such suit so far as the same can be made applicable; and if the Court shall be satisfied, after an examination of the parties or their Advocates, or taking such evidence as it may deem proper, that the agreement was duly executed by the parties, and that they have a *bonâ fide* interest in the question of fact or law stated therein, and that the same is fit to be tried or decided, it shall proceed to record and try or hear the same, and deliver its finding or opinion thereon in the same way as in a suit instituted as above; and shall, upon its finding or deciding upon the question of fact or law, give judgment for the sum fixed by the parties, or so ascertained as aforesaid, or otherwise, according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow and may be executed under the provisions of this Code in the manner as if the judgment had been pronounced in a contested suit. (*Small Cause Courts.*)

CHAPTER IX.

Of Regular Appeals.

Appeal to lie from all decrees, except when expressly prohibited.

DXXVIII. Unless when otherwise expressly provided in this Code or by any other law for the time being in force, a regular appeal shall lie from the decrees, or from any part of the decrees, including the costs of the Courts exercising original jurisdiction to the Courts authorized to hear appeals from the decisions of those Courts.

Appeal to High Court to be heard by two or more Judges.

DXXIX. If the appeal lie to the High Court, it shall be heard and determined by a Court consisting of two or more Judges of that Court.

Decision when appeal heard by two Judges only and they differ.

DXXX. When the appeal is heard by two Judges, if there is a difference of opinion upon the evidence, and one Judge concurs as to the facts with the Court which made the decree appealed against, the appeal shall be determined according to the opinion of such Judge. If the two Judges differ in opinion upon a point of law, they shall state the point of law upon which they differ, and the case shall be re-argued upon that point before one or more of the other Judges, and shall be determined according to the opinion of the majority of the Judges before whom the point is argued, including the Judges who first heard the appeal.

Decision when appeal heard by more than two Judges.

DXXXI. When the appeal is heard by more Judges than two, the decision shall be according to the opinions of the majority. If the number of Judges who hear the appeal be even, and the opinions of the Judges be equally divided, the decision shall be according to the opinion of the Judge or Judges with whom the Senior Judge concurs.

Appeal to Court consisting of a single Judge.

DXXXII. If the appeal lie to a Court which consist of a single Judge, the appeal shall be heard and determined by such Judge.

How Regular Appeals are to be Preferred.

Form of appeal and time for presentation.

DXXXIII. The appeal shall be made in the form of a memorandum which shall be presented in the Appellate Court within the period hereinafter specified, unless the appellant shall show cause to the satisfaction of the Appellate Court for not having presented the appeal within such limited period; that is to say, within thirty days if the appeal be to a District Court, or to the High Court from a decree made by that Court in the exercise of its ordinary original Civil jurisdiction, and within ninety days if the appeal be to the High Court in any other suit. The days shall be reckoned from and exclusive of the date of the decree against which the appeal is made, and also exclusive of such time as may be requisite for obtaining copies of the decree and judgment.

What memorandum to contain.

DXXXIV. The memorandum of appeal shall set forth concisely and under distinct heads the grounds of objection to the decree appealed against, without any argument or narrative,

and such grounds shall be numbered consecutively. The appellant shall not without the leave of the Court urge or be heard in support of any other ground of objection, but the Court in deciding the appeal shall not be confined to the grounds set forth by the appellant.

Form of memorandum.

DXXXV. The memorandum of appeal shall be in the following form, or to the following effect, and shall be accompanied by a copy of the decree against which the appeal is made:—

Memorandum of Appeal.

(Name, &c., as in Register.) Plaintiff.

(Name, &c., as in Register.) Defendant.

[Name of Appellant] Plaintiff [or Defendant] above-named appeals to the High Court at [or District Court at as the case may be] against the decree of in the above suit, dated the day of , for the following reasons, namely, [*here state the grounds of objections.*]

Memorandum of appeal may be general, if to the High Court.

DXXXVI. If the appeal be to the High Court, but not from a decree made by that Court in the exercise of its ordinary or extraordinary original civil jurisdiction, the memorandum of appeal, instead of stating the grounds of objection to the decree appealed against, may merely state the dissatisfaction of the party preferring the appeal with the decree and his intention to file his grounds of objection subsequently. In such case the grounds of objection shall be filed within one month from the date of the receipt in the High Court of the record of the suit in which the appeal is made, to be certified by an Officer of the High Court at the time of the receipt of the record, or within such shorter period as the High Court shall appoint by a general rule published in the Official Gazette of the place where such Court is held.

In such case ground of objection to be subsequently filed.

Time for filing grounds of objections may be extended.

DXXXVII. The High Court may, for sufficient reason, extend the time allowed in the last preceding Section for filing the grounds of objection.

Separate grounds of objection to been stamped paper.

DXXXVIII. The grounds of objection, when filed separately from the memorandum of appeal, shall be written on a stamp paper of the value of four Rupees. If the grounds of objection cannot be contained in a single sheet of stamped paper, every additional sheet used shall bear a stamp of one Rupee.

Sections DXXXIV and DXXXV to apply to separately filed grounds of objection.

DXXXIX. The provisions of Sections DXXXIV and DXXXV shall be applicable to the grounds of objection when filed separately from the memorandum of appeal.

Effect of memorandum not being presented in time.

DXL. If the memorandum of appeal be not presented within the prescribed period, and no sufficient cause be shown for the delay, the appeal shall be disallowed.

Of grounds of objection not being filed in time.

DXLI. If the grounds of objection, when allowed to be filed separately, be not filed within the prescribed period, or within the further time to which such period may have been extended by the Court, the appeal shall be struck off the file.

Of memorandum or grounds of objection not being drawn up in prescribed form.

DXLII. If the memorandum of appeal, or the grounds of objection, be not drawn up in the manner hereinbefore prescribed, or do not bear the proper stamp, the Court may reject the same, or may return the memorandum of appeal or the grounds of objection to the appellant for the purpose of being amended.

One of several plaintiffs or defendants may appeal and obtain a reversal of the whole decree if it proceed on a ground common to all.

DXLIII. If there be more plaintiffs or more defendants than one in a suit, and the decree appealed against proceed on any ground common to all the plaintiffs or to all the defendants, any one of the plaintiffs or of the defendants may appeal against the whole decree, and the Appellate Court may reverse or modify the decree in favor of all the plaintiffs or defendants as the case may be.

Court may adjourn hearing and direct that parties appearing to be interested in a suit shall be made parties to the suit.

DXLIV. If it appear to the Court at the hearing of an appeal, that any person who was a party to the suit in the Court against whose decree the appeal is made, and who has not been made a party to the appeal, may be affected by the result of the appeal, the Court may adjourn the hearing of the appeal to a future day to be fixed by the Court, and direct that such person shall be made either appellant or respondent in the appeal as the case may be. In such case the Court shall issue a notice to the person so made appellant or respondent, in the manner hereinafter provided for the service of a notice on a respondent to appear and answer the appeal.

OF STAYING AND EXECUTING DECREES UNDER APPEAL.

Execution of decree not to be stayed solely by reason of appeal, but on sufficient cause shown.

DXLV. Execution of a decree shall not be stayed by reason only of an appeal having been preferred against the decree; but the Appellate Court may, for sufficient cause shown, order the execution to be stayed.

Court, before making order to stay execution, shall require security for due performance of decree or order of Appellate Court.

DXLVI. If application be made for the execution of a decree which is open to appeal, before the time allowed for appeal has expired, and the Court which made the decree has not received intimation of an appeal having been preferred therefrom, the Court may, if sufficient cause be shown, stay the execution. Before making an order to stay execution, the Court making the order shall require security to be given by the party against whom the decree was passed for the due performance of the decree or order of the Appellate Court.

Security may be taken when execution is required of a decree appealed against.

DXLVII. If an order is made for the execution of a decree against which an appeal has been preferred, the Court which passed the decree may require security to be given for the restitu-

tion of any property which shall be taken in execution of the decree or of the value thereof, and for the due performance of the decree or order of the Appellate Court, or the Appellate Court may direct the Court which passed the decree to take such security.

But Court may stay execution on such terms as it may think proper.

DXLVIII. The Appellate Court may direct that execution of a decree against which an appeal has been preferred, shall be stayed on such terms as to the taking of security as it may think proper.

No such security to be required from Government or public Officer.

DXLIX. No such security as is mentioned in the last three preceding Sections shall be required from Government, or from an Officer of Government as such Officer.

OF PROCEDURE IN APPEAL FROM DECREES.

Registry of memorandum of appeal.

DL. When a memorandum of appeal is presented within the time allowed, the Appellate Court, or the proper Officer of that Court, if the memorandum be on the proper stamp and in the prescribed form, shall endorse thereon the date of presentment, and shall register the appeal in a book to be kept for the purpose. Such book shall be called the Register of appeals and shall be in the form contained in the Schedule E hereunto annexed.

Form of Register.

Appellate Court may at discretion, require security for costs from appellant.

DLI. It shall be in the discretion of the Appellate Court to demand security for costs from the appellant or not as it shall see fit, before the respondent is called upon to appear and answer. Provided that the Court shall demand such security in all cases in which the appellant is residing out of British India, and is not possessed of any land or other immoveable property within British India independent of the property to which the appeal relates. If such security be not furnished at the time of presenting the memorandum of appeal, or within such time as the Court shall order, the Court shall reject the appeal.

Proviso.

Appellate Court to send intimation to Court against whose decree appeal is made.

DLII. When the memorandum of appeal has been registered, or when the grounds of objection are allowed to be filed separately from the memorandum of appeal, on such grounds being filed as hereinbefore provided, the Appellate Court shall send intimation of the appeal to the Court against whose decree the appeal is made. If the appeal be from a Court the records of which are not deposited in the Appellate Court, the Court to which such intimation is sent shall upon the receipt thereof transmit with all practicable despatch all material papers in the suit, or such papers as may be specially called for by the Appellate Court.

Transmission of papers to Appellate Court.

Either party may have copies of exhibits made and deposited in Court whose decree is appealed against.

DLIII. Either party may make an application in writing to the Court against whose decree the appeal is made, specifying any exhibits of which he requires copies to be made and deposited in such Court, and copies of such exhibits shall be prepared at the expense of the party making the application, and shall be deposited accordingly.

Day for hearing appeal how to be fixed.

DLIV. A day shall be fixed by the Appellate Court for the hearing of the appeal. The day shall be so fixed, with reference to the place of residence of the respondent and the time necessary for the service of the notice of appeal, as to allow the respondent a sufficient time to enable him to appear and answer the appeal on such day.

Publication and service of notice of the day fixed for hearing appeal.

DLV. Notice of the day which has been fixed for hearing the appeal shall be affixed in the Appellate Court, and a like notice shall be sent by the Appellate Court to the Court against whose decree the appeal is made, and shall be served on the respondent in the manner provided in Chapter IV of this Code for the service of a summons to a defendant to appear and answer, and all rules applicable to such summons and to proceedings with reference to the service thereof, shall apply to the service of such notice. The Appellate Court may itself cause the notice to be served on the respondent under the rules above mentioned, instead of sending the notice to the Court against whose decree the appeal is made, whenever it shall appear convenient to do so.

Appellate Court may itself cause notice to be served.

Notice what to contain.

DLVI. The notice to the respondent shall contain an intimation that, if he does not attend in the Appellate Court on the day so fixed for the hearing of the appeal, the case will be heard and decided *ex parte* in his absence. Provided that, if the respondent has appointed an Advocate to appear in his behalf in the Appellate Court, the service of the notice on such Advocate shall be sufficient.

Proviso.

Consequence of non-appearance of appellant.

DLVII. If, on the day fixed for hearing the appeal or any other day subsequent thereto to which the hearing of the appeal may be adjourned, the appellant shall not attend, the appeal shall be dismissed for default. If the appellant shall attend and the respondent shall not attend, the appeal shall be heard *ex parte* in his absence.

and of respondent.

If notice has not been served in consequence of failure of appellant to deposit costs, appeal may be dismissed.

DLVIII. If, on the day fixed for hearing the appeal, it shall be found that the notice to the respondent has not been served in consequence of the failure of the appellant to deposit, within the time allowed, the sum required to defray the cost of issuing the notice, the Court may order that the appeal be dismissed. Provided that no such order shall be passed, although the notice shall not have been served upon the respondent, if on the day fixed for hearing the appeal, the respondent shall have entered an appearance by an Advocate, or by a duly authorized agent when he is allowed to appear by agent, or shall be in attendance in person.

Proviso.

Re-admission of appeals dismissed for default.

DLIX. If an appeal be dismissed for default, the appellant may, within thirty days from the date of the dismissal, apply to the Appellate Court for the re-admission of the appeal; and if it shall be proved to the satisfaction of the Court that the appellant was prevented by any sufficient cause from attending when the appeal was called on for hearing, the Court may re-admit the appeal.

Upon hearing of appeal, respondent may take objection to decree in the same manner as if he had preferred separate appeal.

DLX. Upon the hearing of the appeal, the respondent may take any objection to the decree of the Court against which the appeal is made which he might have taken if he had preferred a separate appeal from such decree. The respondent may take the objection verbally, or he may tender the objection in a written memorandum. Such memorandum when tendered shall be on the stamp paper prescribed for petitions to the Court, and the provisions of Sections DXXXIV and DXXXV shall be applicable thereto.

Judgment when to be pronounced.

DLXI. The Appellate Court, after hearing the parties or their Advocates and referring to any part of the proceedings whether held in appeal or in the Court against whose decree the appeal is made, to which a reference may be considered necessary, shall pronounce judgment.

How to be pronounced.

DLXII. The judgment shall be pronounced in open Court either immediately or on some future day, of which notice shall be given to the parties or their Advocates.

In what language to be written.

DLXIII. The judgment shall be written in the English language; but if English shall not be the vernacular language of the Judge, and the Judge shall not be able to write an intelligible judgment in English, the judgment shall be written in the vernacular language of the Judge.

When to be translated.

DLXIV. When the language in which the judgment is written is not the language in ordinary use in proceedings before the Court, the judgment shall be translated into such language, and the translation shall be signed by the Judge or Judges.

What to contain.

DLXV. The judgment of the Appellate Court shall contain the point or points for determination, the decision thereupon, and the reasons for the decision, and shall be dated and signed by the Judge or by the Judges concurring therein at the time of pronouncing it.

Dissent to be recorded.

DLXVI. Any Judge dissenting from the judgment of the Court shall state in writing the decision or order which he thinks should be passed on the appeal, and he may state his reasons for the same.

What judgment may direct.

DLXVII. The judgment may be for confirming or reversing or modifying the decree of the Court against which the appeal is made, or if the parties to the appeal agree as to the form which the decree in appeal shall take or as to the order which shall be passed in appeal, the Appellate Court may make a decree or order accordingly. Provided that no portion of the stamp duty paid on the memorandum of appeal shall be refunded by reason of an adjustment or compromise between the parties to the appeal.

Proviso.

No decree to be reversed or modified or case remanded for error or irregularity not affecting merits.

DLXVIII. No decree shall be reversed or modified, nor shall any case be remanded in appeal on account of any error, defect, or irregularity whether in the decision or in any order passed in the suit, or otherwise, not affecting the merits of the case or the jurisdiction of the Court.

When a case may be remanded by Appellate Court.

DLXIX. If the suit shall have been disposed of by the Court against whose decree the appeal is made upon any preliminary point so as to exclude any evidence of fact which shall appear to the Appellate Court essential to the rights of the parties, and the decree upon such preliminary point shall be reversed in appeal, the Appellate Court may, if it think right, remand the case, together with a copy of the decree or order in appeal to the Court against whose decree the appeal is made, with directions to re-admit the suit under its original number in the register, and to proceed to investigate the suit on its merits, and pass a decree thereon.

Power to remand limited.

DLXX. It shall not be competent to the Appellate Court to remand a case for a second decision, except as provided in the last preceding Section.

When evidence on record is sufficient, Appellate Court shall determine case finally.

DLXXI. When the evidence upon the record is sufficient to enable the Appellate Court to pronounce judgment, the Appellate Court shall finally determine the case, notwithstanding that the judgment of the Court against whose decree the appeal is made, has proceeded wholly upon some ground other than that on which the Appellate Court proceeds.

Appellate Court may in certain cases frame issues and refer them for trial to Court whose decree is appealed against.

DLXXII. If the Court against whose decree the appeal is made, shall have omitted to raise or try any issue or to determine any question of fact which shall appear to the Appellate Court essential to the right determination of the suit upon the merits, and the evidence upon the record is not sufficient to enable the Appellate Court to determine such issue or question of fact, the Appellate Court may frame an issue or issues for trial and may refer the same for trial to the Court against whose decree the appeal i made, and such Court shall proceed to try sucl issue or issues, and shall return to the Appellat Court its finding thereon together with the evi dence.

Finding and evidence to be put on record. Objections to finding.

DLXXIII. Such finding and evidence shal become part of the recor in the suit: and either party may, within a time to b fixed by the Appellate Court, file a memorandun of objections to the finding. Such memorandun shall be on the stamp paper prescribed for peti tions to the Court, and shall set forth concisely

and under distinct heads and without argument or narrative the grounds of objection to the finding which shall be numbered consecutively. After the expiration of the period fixed for filing such memorandum, the Appellate Court shall proceed to determine the appeal.

Parties not allowed to produce additional evidence in Appellate Court; but Court may call for such evidence.

DLXXIV. It shall not be competent to the parties to an appeal to produce additional evidence in the Appellate Court, whether of exhibits or witnesses; but if it appear that the Court against whose decree the appeal is made refused to admit evidence which ought to have been admitted, or if the Appellate Court require any exhibit to be produced or any witness to be examined to enable it to pronounce judgment or for any other substantial cause, the Appellate Court may allow such exhibit to be received, or such witness to be examined, whether such exhibit shall have been previously produced or such witness shall have been previously examined or not; provided that, whenever additional evidence is admitted by an Appellate Court, the reason for the admission shall be recorded on the proceedings of the Court.

How additional evidence to be taken.

DLXXV. Whenever additional evidence is permitted to be received, it shall be competent to the Appellate Court to take such evidence, or the Appellate Court may require the Court against whose decree the appeal is made or any other Court, or empower any person to take such evidence and to transmit the evidence so taken to the Appellate Court. It shall also be competent to the Appellate Court to prescribe the manner in which such additional evidence shall be taken.

Points to be defined.

DLXXVI. In all cases where additional evidence is permitted to be taken, the Appellate Court shall define the point or points to which the evidence is to be confined, and record the same on its proceedings.

What the decree is to contain.

DLXXVII. The decree of the Appellate Court shall bear date the day on which the judgment was pronounced. The decree shall contain the number of the appeal, and the memorandum of appeal, including the names and description of the parties appellant and respondent, but without reciting the grounds of objection, and shall specify clearly the relief granted or other determination of the appeal. The decree shall also state the amount of costs incurred in the appeal, and by what parties and in what proportions such costs and the costs in the suit are to be paid. The decree shall be signed by the Judge or Judges who passed it, and shall be sealed with the seal of the Court.

Judge dissenting from judgment not to sign decree.

DLXXVIII. If there be a difference of opinion among the Judges of the Court, it shall not be necessary for any Judge dissenting from the judgment of the Court to sign the decree; but the decision or order which such Judge considers should be passed on the appeal shall be recited in the decree.

Copies of judgment and decree to be furnished to parties.

DLXXIX. Certified copies of the judgment and decree shall be furnished to the parties, in the same manner as provided in Chapter IV of this Code in regard to the decrees of Courts of original jurisdiction.

A certified copy of the decree to be transmitted to the Court which passed decree appealed against.

DLXXX. A copy of the decree or other order disposing of the appeal, certified by the Appellate Court, or the Registrar or Clerk of the Court where there is such an Officer, and sealed with the seal of the Court, shall be transmitted to the Court which passed the decree appealed against, and shall be filed with the original proceedings in the suit, and an entry of the judgment of the Appellate Court shall be made in the Register of the suit.

Appellate Court to have same powers as Courts of original jurisdiction.

DLXXXI. Unless when otherwise provided in this Code or by any other law for the time being in force, the Appellate Court shall have the same powers in regular appeals in respect to adjournments granting of time, arrest or attachment before judgment, issue of injunctions, examination of the parties or their Advocates and of witnesses or other persons, or otherwise, which are vested by this Code in Courts of original jurisdiction in respect of suits instituted under Chapter IV of this Code, the provisions of which and of Chapter VII relating to arbitration, unless when otherwise provided, shall apply to regular appeals so far as the same can be made applicable.

This Chapter to apply to orders passed under Section LXII.

DLXXXII. The provisions of this Chapter shall be applicable to regular appeals under Section LXII, from orders rejecting or returning plaints.

No appeal from decision in suit instituted under Section XV, Act XIV of 1859.

DLXXXIII. No appeal shall lie from a decision or order passed in any suit instituted under Section XV, Act XIV of 1859 (*to provide for the limitation of suits.*)

Decree of Appellate Court how to be executed.

DLXXXIV. When a party in whose favor a decree is made in regular appeal under this Chapter, is desirous of obtaining execution of the same, he shall apply to the Court which made the decree against which the appeal was preferred, and such Court shall proceed to execute the decree made in appeal, in the manner and according to the rules contained in Chapter V of this Code for the execution of decrees in suits.

CHAPTER X.

Of Special Appeals.

Special appeals to High Court.

DLXXXV. Unless when otherwise provided in this Code or by any other law for the time being in force, a Special appeal shall lie to the High Court from all decrees passed in regular appeal by the Courts subordinate to the High Court, on the ground of the decision being contrary to some law, or usage having the force of law, or of a substantial error or defect in law in the procedure as prescribed by this Code or any other law for the time being in force, or in the investigation of the case, which may have produced error or defect in the decision of the case upon the merits, and on no other ground.

Grounds of special appeal.

Application by whom and in what time to be presented.

DLXXXVI. The application for the admission of a special appeal shall be presented in the High Court by an Advocate of that Court within the period of sixty days, unless the applicant shall shew cause to the satisfaction of the High Court for not having presented it within such period. The period shall be reckoned from and exclusive of the day on which judgment was pronounced, and also, exclusive of such time as may be requisite for obtaining copies of the decree and judgment appealed against.

Application what to contain.

DLXXXVII. The application shall be written on a stamp paper of the value prescribed for regular appeals and shall set forth concisely the grounds of objection to the decree appealed against without argument or narrative. Such grounds shall be numbered consecutively.

What to accompany application.

DLXXXVIII. The application shall be accompanied by copies of the judgments and decrees of the Lower Appellate Court and of the Court of first instance.

Advocate presenting it to certify that grounds stated are good for special appeal.

DLXXXIX. The application shall be signed by the Advocate who presents it, and such Advocate shall certify in writing on the back of the application that he has considered the grounds stated for a special appeal, and that in his opinion they are well founded and sufficient.

Applicants confined to ground stated, but the Court not so.

DXC. The applicant shall not without the leave of the Court, be heard in support of any ground of objection other than the ground or grounds set forth in the application, but the determination of the Court may be upon any ground on which a special appeal would lie.

Application for admission of special appeal informally drawn up, how dealt with.

DXCI. If the application for the admission of a special appeal be not written on a stamp paper of the prescribed value, or if it be not drawn up and presented in the manner hereinbefore laid down, or if be not signed or have not such certificate duly endorsed upon it as in Section DLXXXIX mentioned, or if it do not state any ground on which a special appeal will lie under the provisions of Section DLXXXV, the Court may reject the application or may return it to the party for the purpose of being amended. The order for rejecting the application or for returning it to the party may be passed by a single Judge of the High Court.

Registry of application. Case how to proceed.

DXCII. If the application is in due form it shall be registered in a book to be kept for that purpose, which shall be in the form contained in the Schedule F hereunto annexed, and the case shall proceed in all other respects as a regular appeal, and shall be subject to all the rules provided in Chapter IX for regular appeals, so far as the same can be made applicable.

Application to be argued only by certain Advocate.

DXCIII. No application for a special appeal shall be argued before the High Court except by an Advocate of the Court who shall have signed the certificate required by Section DLXXXIX.

No special appeal from decision of Court subordinate to High Court in certain suits.

DXCIV. No special appeal shall lie from any decree or order which shall be passed on regular appeal by any Court subordinate to the High Court, in any suit of the nature cognizable in Courts of Small Causes constituted under any law for the time being in force, when the debt, damage, or demand for which the original suit shall be instituted shall not exceed the sum of five hundred Rupees. Every such decree or order shall be final.

Reference of question to High Court.

DXCV. If in the hearing of a regular appeal, in which the decree or order which shall be passed is made final by the last preceding Section, any question of law, or usage having the force of law, or the construction of a document affecting the merits shall arise, on which the Court trying the appeal shall entertain reasonable doubt, the Court may, either of its own motion or on the application of any of the parties to the suit, draw up a statement of the case and submit such statement with its own opinion for the decision of the High Court.

Court may pass decree contingent upon opinion of High Court, pending which execution not to issue.

DXCVI. The Court may proceed in the appeal notwithstanding a reference to the High Court, and may pass a decree contingent upon the opinion of the High Court on the point referred; but no execution shall be issued in any case in which such reference shall be made to the High Court, until the receipt of the order of that Court.

Two or more Judges of High Court to hear reference.

DXCVII. References made for the opinion of the High Court under Section DXCV shall be heard by two or more Judges of that Court.

High Court to fix early day for hearing of reference, and to notify same.

DXCVIII. The High Court shall fix an early day for the hearing of the reference, and shall notify the same by a proclamation to be fixed up in the Court-house of the Court.

Parties may appear and be heard in person or by Advocate.

DXCIX. The parties to the appeal in which the reference is made may appear and be heard in the High Court in person or by Advocate.

Judgment of High Court to be transmitted, and case disposed of accordingly.

DC. The High Court, when it has heard and determined the point referred to it, shall transmit a copy of its judgment under the seal of the Court and the signature of the Registrar to the Court by which the reference was made, and such Court shall, on the receipt thereof, proceed to dispose of the appeal conformably to the decision of the High Court.

Costs of reference to High Court.

DCI. Costs, if any, consequent on a reference for the opinion of the High Court, shall be costs in the appeal.

Decree how to be executed.

DCII. The decrees passed in special appeal shall be executed by the Court which made the decree in the suit in which the special appeal was preferred, in the manner and under the rules provided in Chapter V of this Code for the execution of decrees in suits.

CHAPTER XI.

REGULAR AND SPECIAL APPEALS IN FORMA PAUPERIS.

Who may appeal as pauper.

DCIII. Any party entitled under the provisions of this Code or of any other law for the time being in force to prefer a regular or special appeal who may be unable to pay for the stamps required for the prosecution of such appeal, may be allowed to appeal in *formâ pauperis*, subject to the rules contained in Chapters IX or X of this Code according as the application may be for the admission of a regular or special appeal in so far as those rules are applicable.

Application to what Court and when to be presented.

DCIV. An application made under the last preceding Section to be allowed to appeal in *formâ pauperis*, shall be written on a stamp paper of the value of one Rupee if the appeal lie to the District Court and on a stamp paper of the value of two Rupees if the appeal lie to the High Court, and shall be presented in the Appellate Court within the period allowed for the presentation of a memorandum of regular appeal or of an application for the admission of a special appeal as the case may be.

Application what to contain.

DCV. The application shall contain the particulars required by this Code to be set forth in a memorandum of regular appeal or in an application for a special appeal, as the case may be, and shall be drawn up in the like manner.

What to accompany application.

DCVI. The application shall have annexed to it a Schedule of any moveable or immoveable property belonging to the applicant with the estimated value thereto, and shall also be accompanied by copies of the judgment and decree from which the appeal is made, and if the application be for the admission of a special appeal, of the judgment and decree of the Court of first instance.

Procedure.

DCVII. If the application be for the admission of a regular appeal, and the Court, upon a perusal of the application and of the judgment and decree against which the appeal is made, shall see no reason to think that the decree appealed against is contrary to law, or to some usage having the force of law, or is otherwise erroneous or unjust, or if the application be for the admission of a special appeal and the judgment and decree against which the appeal is made shall not appear to the Court, upon a perusal of the same and of the application, to be open to objection on any ground upon which a special appeal is admissible under Chapter X of this Code, the Court shall reject the application. The Court may also reject the application if it be not drawn up in the mode prescribed by this Chapter, or if it do not bear the proper stamp, or the Court may return the application to the party presenting the same for the purpose of being amended.

Inquiry into alleged pauperism to be made in what cases, and by what Court.

DCVIII. If the application be not rejected upon any of the grounds above-mentioned, enquiry shall be made into the alleged pauperism of the applicant. Such enquiry may be conducted either by the Appellate Court or by the Court against whose decision the appeal is made under the orders of the Appellate Court. Provided that, if the applicant was allowed to sue or appeal *in formâ pauperis* in the Court against whose decree the appeal is made, no further enquiry in respect of his pauperism shall be necessary, unless the Appellate Court shall see special cause to direct such enquiry.

Proviso.

Effect of order by Appellate Court.

DCIX. The order passed by the Appellate Court on an application to be allowed to appeal *in formâ pauperis*, whether for the admission or rejection of the application, shall be final; but, if the application be rejected, the Appellate Court may, if it think proper, allow the applicant a reasonable time for preferring a regular appeal or an application for a special appeal on a stamp of the value prescribed for regular appeals from decrees.

CHAPTER XII.

OF APPEALS FROM ORDERS.

Appeal from orders as to fines or imprisonment.

DCX. In addition to the orders from which an appeal is allowed by any of the foregoing provisions of this Code or by any other law for the time being in force, an appeal shall lie from orders passed under the provisions of this Code, imposing fines or as to the levying of the fines so imposed, or for the imprisonment of any person except when the imprisonment is in execution of a decree.

Appeals by what Court to be heard.

DCXI. When an appeal from an order is allowed by this Code or by any other law, it shall be heard by the Court competent to hear regular appeals from the decrees of the Court which made the order.

Period for hearing, and procedure in, appeals.

DCXII. The period for presenting the appeal and the procedure thereon shall be in all respects the same as in a regular appeal from a decree in a suit, as prescribed in Chapter IX of this Code, the provisions of which shall apply to appeals from orders under this Chapter so far as they can be made applicable.

No appeal before decree, from order passed in course of suit; but if decree appealed against, error or defect therein may be set forth.

DCXIII. Unless when otherwise provided in this Code, no appeal shall lie from any order passed in the course of a suit and relating thereto, prior to decree; but if the decree be appealed against, any error, defect, or irregularity in any such order affecting the merits of the case or the jurisdiction of the Court, may be set forth as a ground of objection in the memorandum of appeal.

No appeal from order passed after decree, relating to its execution.

DCXIV. Unless when otherwise provided in this Code, no appeal shall lie from any order passed after decree and relating to the execution thereof.

Orders passed in appeals under this Chapter to be final.

DCXV. Unless when otherwise provided in this Code or by any other law for the time being in force, the orders passed in appeals preferred under this Chapter shall be final; but if in the course of the

hearing of any such appeal any question of law, or usage having the force of law, or the construction of a document affecting the merits of the decisions, shall arise, on which the Appellate Court shall entertain reasonable doubt, the Court may, either of its own motion, or on the application of any of the parties to the appeal, draw up a statement of the case and submit it with its own opinion for the decision of the High Court.

But case may be submitted for decision of High Court.

DCXVI. The provisions contained in Sections DXCVI, DXCVII, DXCVIII, DXCIX, DC, and DCI shall apply to references made to the High Court under the provisions of the last preceding Section.

Provisions applicable to reference to High Court under last Section.

CHAPTER XIII.

Review of Judgment.

DCXVII. Any person considering himself aggrieved by a decree from which a regular appeal is allowed but from which no appeal shall have been preferred—or by a decree passed in regular appeal from which a special appeal is allowed but from which a special appeal shall not have been admitted—or by a decree from which an appeal is allowed to Her Majesty in Council but from which no appeal shall have been preferred, or if an appeal shall have been preferred no proceedings shall have been transmitted to Her Majesty in Council—or by a decree passed in special appeal from which no appeal to Her Majesty in Council is allowed—and who from the discovery of new matter or evidence which was not within the knowledge of such person, or could not be adduced by him at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the decree passed against him—may apply for a review of judgment to the Court which made the decree.

Review of judgment.

On discovery of new evidence, &c.

DCXVIII. The application, if the decree to which it refers was passed in a suit, shall be made within one month from the date of the decree, and within three months if the decree was passed in regular or special appeal, unless the party making the application shall be able to show just and reasonable cause, to the satisfaction of the Court, for not having preferred the application within such limited period.

Time allowed for making application.

DCXIX. The application shall be written on the stamp paper prescribed for plaints, and shall set forth concisely and under distinct heads the grounds on which the review is applied for. Such grounds shall be numbered consecutively.

Application what to contain.

DCXX. If the application be presented by an Advocate, he shall certify under his signature on the back of the application, that he has examined the ground on which the review is applied for and that he considers it well founded and sufficient.

Advocate presenting application to certify as to grounds being good.

DCXXI. No Advocate shall be allowed to argue in support of an application for a review of judgment who has not signed the certificate required by the last preceding Section, or if the application was presented by the applicant in person or by another Advocate, who has not signed a certificate to the same effect to be written on the back of the application.

No Advocate allowed to argue, who has not signed certificate.

DCXXII. If the Court shall be of opinion that there is not sufficient ground for a review, it shall reject the application, but if the Court shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, it shall grant the review. Provided that no review of judgment shall be granted without previous notice to the opposite party to enable him to appear and be heard in support of the decree a review of which is applied for.

Court may reject application or grant review.

Proviso.

DCXXIII. If the Judge or Judges or any of the Judges who may have passed the decree, a review of which is applied for have been passed by two or more Judges, when any of such Judges shall continue attached to the Court at the time when the application for a review is presented, and shall not be precluded by absence or other cause, for a period of six months after the application, from considering the judgment to which the application refers, such Judge or Judges or any of them shall hear the application, and it shall not be competent to any other Judge or Judges of the Court in any such case to hear the application.

Application for review in Court consisting of two or more Judges must be heard by Judge or Judges who passed the decree.

DCXXIV. If the application for a review be heard by two Judges, and they differ as to whether the application should be admitted or rejected, the application shall be rejected.

Application rejected if heard by two Judges and they differ in opinion.

DCXXV. If the application be heard by more than two Judges, the decision shall be according to the opinion of the majority. If the number of Judges who hear the application be even, and the opinions of the Judges be equally divided, the decision shall be according to the opinion of the Judge or Judges with whom the senior Judge concurs.

Decision when application heard by more than two Judges.

DCXXVI. The order of the Court, whether for granting the review or rejecting the application, shall be final.

Order of Court to be final.

DCXXVII. When an application for a review of judgment is granted, a note thereof shall be made in the Register of suits or appeals (as the case may be), and the Court shall give such order in regard to the re-hearing of the suit or appeal as it may deem proper in the circumstances of the case.

Registry of application granted, and order for re-hearing.

Court may order the return of stamp duty paid on application.

DCXXVIII. The Court may, if it think proper on the rejection of an application for a review, or on the decision of the case in which a review may have been allowed, grant a certificate to the person making the application authorizing him to receive back from the Collector the whole or any portion of the stamp duty paid on the application for a review.

CHAPTER XIV.

SPECIAL RULES RELATING TO THE HIGH COURTS.

Ordinary original Civil jurisdiction of the High Courts.

DCXXIX. The High Courts shall, in the exercise of other ordinary original Civil jurisdiction, be empowered to receive, try, and determine suits of every description, if in the case of suits for land or other immoveable property the land or property shall be situate, or, in all other cases, if the cause of action shall have arisen, or the defendant at the time of the commencement of the suit shall dwell, or carry on business, or personally work for gain, within the local limits to which their respective jurisdictions may extend: Provided that so much of the foregoing provision as declares that the High Courts may hear suits, if the cause of action shall have arisen within the local limits of their respective jurisdictions, shall not apply in any suit brought against the representative of a deceased person as such representative, on a cause of action which accrued against such deceased person in his life-time: and provided also that no High Court shall, in the exercise of its said ordinary original Civil jurisdiction, be empowered to receive, try, and determine any case in which the debt or damage or value of the property sued for does not exceed one hundred Rupees, and which falls within the jurisdiction of a Small Cause Court situated within the local limits of the ordinary original jurisdiction of such High Court.

Extraordinary original Civil jurisdiction of the High Courts.

DCXXX. The High Courts shall have power to remove and to try and determine as Courts of extraordinary original Civil jurisdiction, any suit being or falling within the jurisdiction of any Court subject to their superintendence respectively, and in the case of the High Court of Judicature at Fort William in Bengal whether within or without the Bengal Division of the Presidency of Fort William, when such High Court shall think proper so to do, either on the agreement of the parties to that effect, or for purposes of justice, the reason being recorded in the proceedings of the High Court removing the suit.

High Courts may try suit for land situated partly within the limits of its original Civil jurisdiction.

DCXXXI. The high Courts, in the exercise of their ordinary original Civil jurisdiction, may try and determine suits instituted in such Courts for land or other immoveable property, notwithstanding that such land or other immoveable property may be situate partly within the local limits of their ordinary original Civil jurisdiction, and partly within the local limits of the jurisdiction of some other Court.

If suit in High Court be for land situate only partly within the jurisdiction, the Court in which it is instituted may try it, with the concurrence of the other High Court.

DCXXXII. If a suit instituted in a High Court as a Court of ordinary original Civil jurisdiction be for land or other immoveable property a portion whereof is situate within the local limits of the ordinary original jurisdiction of some other High Court, the Court in which the suit is brought may, with the concurrence of the High Court within the local limits of whose ordinary original jurisdiction a portion of the land or other immoveable property is situate, give leave to proceed with the suit, and shall have full and complete jurisdiction to try and determine the same. If the other Court within the local limits of whose ordinary original jurisdiction a portion of the land or other immoveable property which constitutes the subject matter of the suit is situate, is a Sudder Court or other highest Civil Court of appeal however designated, the suit may be heard by the High Court in which it is instituted with the concurrence of such Sudder Court or other highest Civil Court of appeal.

Stamps to be used in the High Courts.

DCXXXIII. No instrument or writing of any of the kinds specified as requiring stamps in Schedule B annexed to Act X of 1862 *(to consolidate and amend the law relating to stamp duties)* or in this Code, shall, except as is in this Code otherwise provided, be filed, exhibited or recorded in, or shall be received or furnished by any High Court—in any case coming before such Court in the exercise of its ordinary or extraordinary original Civil jurisdiction, unless such instrument or writing be upon a stamp of value not less than that indicated by the said Schedule B as the proper stamp for similar instruments and writings in any Civil Court below the Sudder Court, or than that indicated by this Code—or in any case coming before such Court in the exercise of its Appellate jurisdiction, unless such instrument or writing be upon a stamp of value not less than that indicated by the said Schedule B as the proper stamp for similar instruments and writings in the Sudder Court, or than that indicated by this Code.

In certain cases plaint to bear stamp of thirty-two Rupees; and Court after decree to determine how much more is to be paid.

DCXXXIV. If in a suit instituted in a High Court in the exercise of its ordinary original Civil jurisdiction, or in appeal from a decision passed by a High Court in the exercise of its ordinary original Civil jurisdiction, the claim is not capable of being estimated under any of ths rules contained in Article 11 of Schedule B of the said Act X of 1862, the plaint or petition of appeal in such suit or appeal shall be written on a stamp of the value of thirty-two Rupees. On the decision of such suit or appeal, if the decision be in favor of the plaintiff or appellant, the Court shall calculate the stamp duty payable, according to the rules above-mentioned, on the amount or value of the property if any decreed or to which the right of the party in whose favor the decree is made is declared by the decree, whether immediately or contingently, and if such amount or value exceed the sum of Rupees five hundred, the Court shall declare what additional stamp duty shall be paid, so that the total amount paid may be the same as would have been payable had the suit or appeal been origin-

ally instituted for the amount or value so estimated by the Court: and the additional stamp duty ordered to be paid shall be costs in the suit, and shall be paid out of any money recovered on account of costs in the suit, whether at the instance of the Government or of any of the parties to the suit, before any other costs in the suit are paid to any of the parties to the suit.

High Court to record its judgments and orders as it shall by rule direct.

DCXXXV. The High Courts and the Division Courts and Judges of the High Courts shall record their judgments and the orders passed by them in such manner as the High Courts shall by any general rule from time to time direct respectively.

If the Judges are divided in opinion, case how to be decided.

DCXXXVI. If a Division Court is composed of more Judges than one, and the Judges are divided in opinion as to the decision to be given, the case shall be decided as hereinafter provided; that is to say, according to the opinion of the majority of Judges if there shall be a majority, but if the Judges shall be equally divided and there shall be no majority in favor of any one opinion, then the case shall be referred to another Judge, and shall be re-heard by him and the decision of such Judge shall be deemed to be the decision of the case.

Execution may issue in certain cases before the amount due for costs has been ascertained, and execution for costs may issue subsequently when their amount is ascertained.

DCXXXVII. Whenever a High Court or any Division Court or Judge of a High Court may consider it necessary that a decree made in the exercise of the ordinary original Civil jurisdiction of the said Court should be enforced before the amount of the costs incurred in the suit can be ascertained by taxation, the Court or Judge may order that the decree shall be executed forthwith except as to so much thereof as relates to the costs; and, as to so much thereof as relates to the costs, that the same may be executed as soon as the amount of the costs shall be ascertained by taxation.

In certain cases, acts required by this Code to be done by Advocate, may be done by an Attorney.

DCXXXVIII. Whenever any thing is directed by this Code to be done by or through an Advocate, such act may be done, in any suit or proceeding coming before a High Court in the exercise of its ordinary original Civil jurisdiction or in any appeal coming before a High Court from a decision passed by such Court in the exercise of its ordinary original Civil jurisdiction, by or through an Attorney-at-Law of the Court;

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provided that no Attorney shall under the provisions of this Section plead in a High Court or in any Division Court or before a Judge of a High Court for any person.

Process of High Courts may be served by Attorneys in suit.

DCXXXIX. Notices to produce documents or writings, summonses to witnesses, and every other judicial process issued in the exercise of the ordinary original Civil jurisdiction of the High Courts, except writs of summons to defendants issued under Section LXX, and writs of execution, may be served by the Attorneys in the suit, or by persons employed by them, or in such other manner as the High Courts shall by any rules or orders from time to time direct respectively.

Power of Division Court or Judge of High Court to refer matters for investigation by a single Judge.

DCXL. If in any suit instituted in the High Court in the exercise ordinary original Civil jurisdiction, the Division Court or Judge hearing such suit shall be of opinion that any matter of account, detail, or other description may be more conveniently investigated by a Judge sitting in Chambers, it shall be lawful for such Court or Judge to adjourn such matter for the consideration of a Judge in Chambers, and such matter shall thereupon be investigated by a single Judge, who shall proceed with such investigation sitting in Chambers, and shall make his report thereon, which report shall be open to revision by any Court of appeal to whom the order or decree founded thereon may be appealed. The Chief Justice shall from time to time determine in each case what Judge shall take or proceed with the investigation.

Power to make rules.

DCXLI. The High Courts respectively shall have power to make general rules and orders for regulating the conduct of business and the procedure of a single Judge in respect of investigations under the last preceding Section. Provided that such rules and orders shall not be inconsistent with the provisions of this Code, or of any Act for the time being in force relating to such matters.

Signature of Registrar or other appointed Officer to have same effect as that of Judge of High Court.

DCXLII. Whenever under any of the provisions of this Code, the signature of the High Court or of a Judge of the Court may be required, the signature of the Registrar of any of the said High Courts, or the signature of any other Officer duly authorized in that behalf by the Chief Justice shall stand for, and have the same effect, as the signature of a Judge or Judges of the said High Court.

Language of the High Courts.

DCXLIII. The Chief Justice of every High Court shall from time to time declare what language shall be the language of the Court, in which all or any of the proceedings of the Court shall be conducted.

Provisions as to Assessors to apply to High Courts.

DCXLIV. The provisions of this Code relating to Assessors shall extend to suits and appeals instituted or tried in the High Courts without any order of Government.

Code not to affect High Court in exercise of Admiralty, Matrimonial, Insolvent, &c., jurisdiction.

DCXLV. Nothing in the Chapter shall extend or apply to any High Court in the exercise of its jurisdiction as a Court of Admiralty or Vice-Admiralty, or as a Court of Testamentary and Intestate or of Matrimonial jurisdiction, or as an Insolvent Court.

This Chapter to apply only to High Courts established under 24 and 25 Vic, Cap. 104.

DCXLVI. This Chapter shall extend and apply only to High Courts which are or may hereafter be established under the Statute 24 and 25 Vic, Cap. 104 (*An Act for establishing High Courts of Judicature in India*). Except as provided in this Chapter the provisions of this Code shall apply to the High Courts established as above.

CHAPTER XV.

OF CRIMINAL PROCEDURE FOR OFFENCES COMMITTED IN OR AGAINST THE COURTS.

Procedure when certain offences under Chapter XI of the Penal Code are committed in case pending before Court.

DCXLVII. When in a case pending before any Court, any witness or other person shall appear to the Court to have been guilty of an offence described in Section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, or 210 of the Indian Penal Code, the Court may commit such person to take his trial for the offence before the Court of Session, or after making such preliminary enquiry as may be necessary, may send the case for investigation to any Magistrate having jurisdiction to try or commit for trial the accused person for the offence charged, and such Magistrate shall thereupon proceed according to law. (*Small Cause Courts.*)

Court may send person accused in custody, or take bail and bind over witnesses to give evidence.

DCXLVIII. The Court may send the person accused in custody, or take sufficient bail for his appearance before the Magistrate, and may bind over any person to appear and give evidence before the Magistrate. (*Small Cause Courts.*)

When commitment is made by Court how it is to proceed.

DCXLIX. When the commitment is made by the Court, the Court shall frame a charge in the manner provided in Chapter XIII of the Code of Criminal Procedure, and shall transmit the same with the order of commitment and the record of the case to the Magistrate, and such Magistrate shall bring the case together with the witnesses for the prosecution and defence before the Court of Session. (*Small Cause Courts.*)

Procedure in case of certain offences relating to documents.

DCL. When in a case pending before any Court, there shall appear to the Court sufficient ground for sending for investigation to the Magistrate a charge described in Section 463, 471, 475, or 476 of the Indian Penal Code, which may be preferred in respect to any deed or paper offered in evidence in the case, the Court may send the person accused in custody to the Magistrate or take sufficient bail for his appearance before the Magistrate. The Court shall send to the Magistrate the evidence and documents relevant to the charge, and shall bind over any person to appear and give evidence before such Magistrate. The Magistrate shall receive such charge and proceed with it under the rules for the time being in force. (*Small Cause Courts.*)

Procedure in case of person accused under certain Sections being a European British subject.

DCLI. If the person accused or any one of the persons accused in any case falling under Section DCXLVII or Section DCL of this Code is a European British subject, such person in custody or take sufficient bail for his appearance before an Officer empowered to commit or hold to bail persons charged with offences for trial before a High Court of Judicature, and such Officer shall proceed according to law. (*Small Cause Courts.*)

When the Court may itself dispose of cases of contempt.

DCLII. When any such offence as is described in Section 175, 178, 179, 180, or 228 of the Indian Penal Code is committed in the view or presence of the Court, it shall be competent to the Court to cause the offender, whether he be a European British subject or not, to be detained in custody, and at any time before the rising of the Court on the same day to take cognizance of the offence, and to adjudge the offender to punishment by fine not exceeding two hundred Rupees, and by imprisonment in the Civil Jail for a period not exceeding one month if such fine be not sooner paid. In every such case the Court shall record the facts constituting the contempt, with any statement the offender may make, as well as the finding and sentence. (*Small Cause Courts.*)

When the Court shall send on the case to a Magistrate or Justice of the Peace.

DCLIII. If the Court shall consider that a person accused of any of the offences mentioned in the last preceding Section should be imprisoned, or that a fine exceeding two hundred Rupees should be imposed upon him, such Court, after recording the facts constituting the contempt and the statement of the accused person as before provided, shall forward the case to a Magistrate, or, if the accused person be a European British subject, to a Justice of the Peace, and shall cause bail to be taken for the appearance of such accused person before such Magistrate or Justice of the Peace, or if sufficient bail be not tendered, shall cause the accused person to be forwarded under custody to such Magistrate or Justice of the Peace. (*Small Cause Courts.*)

Procedure of Magistrate or Justice of the Peace in such cases.

DCLIV. If the case be forwarded to a Magistrate, such Magistrate shall proceed to try the accused person in the manner provided for trials before a Magistrate, and it shall be competent to such Magistrate to adjudge such offender to punishment as provided in the Section of the Indian Penal Code under which he is charged. If the case be forwarded to a Justice of the Peace, such Justice of the Peace shall enquire into the circumstances, and shall have the same powers of punishing the offender as are vested by the Statute 53, Geo. III, cap. 155, Section 105, in a Justice of the Peace for the punishment of an assault, and may deal with the offender in the same manner as is provided in that behalf in the said Statute. If such Justice of the Peace shall consider the offence to require a more severe punishment than a Justice of the Peace is competent to award under the said Statute, he may commit the offender to a High Court of Judicature. (*Small Cause Courts.*)

Discharge of an offender on his submission.

DCLV. When any person has been sentenced by the Court to punishment under Section DCLII for refusing or omitting to do any thing which he was lawfully required to do, it shall be competent to the Court to discharge the offender or to remit the punishment on the submission of the offender to the order or requisition of the Court. (*Small Cause Courts.*)

CHAPTER XVI.

MISCELLANEOUS.

High Court to make general rules for regulating proceedings, &c.

DCLVI. The High Courts shall have power to make and issue general rules not inconsistent with the provisions of this Code or of any other law in force for regulating the practice and proceedings of those Courts, and the Courts subordinate to them respectively, and from time to time to alter any such rule. Any rules framed under this Section shall be published in the Official Gazettes of the places where the High Courts are respectively held. (*Small Cause Courts.*)

And to frame forms.

DCLVII. The High Courts shall also have power to frame forms for every proceeding in those Courts and the Courts subordinate to them respectively, for which the High Courts shall think it necessary that a form should be provided, for keeping all books, entries, and accounts to be kept by the Officers, and for the preparation and submission of any statements to be prepared and submitted by such Courts.

If highest Civil Court of appeal consist of only one Judge, he shall have all the powers of two or more High Court Judges.

DCLVIII. When in any part of British India in which this Code shall have operation, the highest Civil Court of appeal consists of a single Judge, such Judge shall have all the powers vested by this Code in two or more Judges of the High Court.

Language of subordinate Courts.

DCLIX. The language which, at the time this Code comes into operation, is the language of any Court other than a High Court, shall continue to be the language of such Court until the local Government shall order otherwise: but it shall be lawful for the local Government from time to time to declare what language shall be the language of every such Court in which all or any of the proceedings shall be conducted. (*Small Cause Courts.*)

Ministerial and other Officers.

DCLX. The local Governments shall fix the establishments of Ministerial and other Officers requisite for the Courts other than the High Courts within the limits of their respective jurisdictions, and prescribe rules for their appointment and removal, and, with the sanction of the Governor-General of India in Council, shall assign to such Officers such salaries as from time to time such local Governments may deem proper respectively. (*Small Cause Courts.*)

High Courts to define duties of all Ministerial and other Officers.

DCLXI. The High Courts respectively shall define and prescribe the duties to be performed by the Ministerial and other Officers on the establishments of the High Courts, as well as by the Ministerial and other Officers on the establishments of Courts subordinate to such High Courts. (*Small Cause Courts.*)

Saving of jurisdiction and procedure of Village Moonsiffs and Village and District Punchayets in Madras.

DCLXII. Nothing in this Code shall be held to alter or affect the jurisdiction or procedure in Civil cases of Village Moonsiffs or Village or District Punchayets under the provisions of the Madras Code; or the jurisdiction or procedure of Military Courts of Request; or the jurisdiction or procedure of a single Officer duly authorized and appointed under the rules in force in the Presidencies of Fort St. George and Bombay respectively, for the trial of small suits in Military Bazars at Cantonments and Stations occupied by the Troops of those Presidencies respectively; or by Punchayets in regard to suits against Military persons, according to the rules in force under the Presidency of Fort St. George.

of Military Courts of Request.

of single Officers appointed to try small suits in Madras and Bombay.

and of Punchayets in Madras.

Saving of certain special and local laws.

DCLXIII. Nothing in this Code shall be held to affect the jurisdiction exercised by certain Jagheerdars and other authorities invested with powers under the provisions of Regulation XIII 1830 of the Bombay Code (*for vesting certain Jagheerdars, Surinjameedars, and Enamdars with the power of deciding suits within the boundaries of their respective estates*), and Act XV of 1840 (*for extending Regulations XV* 1827 *and XIII* 1830 *of the Bombay Code to the agents of Foreign Sovereigns*) or their procedure in the exercise of such jurisdiction; or to affect suits instituted under Regulation XI 1816 of the Bengal Code (*for receiving, trying, and deciding claims to the right of inheritance or succession in certain Tributary estates in Zillah Cuttack*), or cases of the nature defined in Regulation XXIX 1827 (*for bringing under the operation of the Regulations the Bombay Territories in the Dekkan and Khandesh*), Regulation VII 1830 (*for bringing under the operation of the Regulations the Territories comprised in the Southern Mahratta Country*), Regulations I and XVI 1831 of the Bombay Code (*for extending the jurisdiction of the Agent of Government in the Dekkan and Khandesh and of the Political Agent in the Southern Mahratta Country over suits in which certain privileged persons are concerned*), Act XIX of 1835 (*relating to the jurisdiction and authority of the Assistant to the Agent for Sirdars in the Dekkan*), and Act XIII of 1842 (*to enable the holders of revenue which has been alienated to them by the State to collect that revenue within the Presidency of Bombay*), except that such suits and cases and the regular and special appeals to the Civil Courts allowed therein, shall be received, heard, and determined under the rules laid down in this Code, unless where those rules are inconsistent with any specific provisions contained in the Regulations and Acts above quoted.

To what extent this Code applies to them.

This Code not to apply to Presidency Small Cause Courts, till specially extended to them.

DCLXIV. This Code shall not, save as hereinafter provided, extend to any suit or proceeding in any Court of Small Causes established under Act IX of 1850 (*for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay*): but it shall be lawful for the local Governments within the limits of whose jurisdictions the said Courts respectively are held, by notification published in the Official Gazette, to extend and give effect to this Code, or any part thereof, in any of the said Courts.

Straits' Settlement excepted from operation of this Code.

DCLXV. This Code shall not extend to any part of British India in which Act VIII of 1859 as amended by Act XXIII of 1861 shall not be in force at the date of the passing of this Code, until it shall have been specially extended to such part by an order of the Governor-General of India in Council or by the local Government duly published in the Official Gazette.

This Code not to affect certain provisions of Act I of 1863.

DCLXVI. This Code shall not be deemed to repeal or affect the following provisions and parts of Act I of 1863 (*to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said Territory*); that is to say, it shall not be deemed to repeal or affect so much of Section VII of the said Act as relates to the second appeal, or Sections VIII, X, XI and XII, or Section XIV so far as it relates to the time for appeals whether regular or otherwise, or Section XV, or Section XVI so far as it relates to the time for appeals, or Section XVII except that the grounds on which a special appeal may be allowed, as therein referred to, shall be such grounds as are specified in Section DLXXXV of this Code, or Section XX so far as it relates to the stamp paper on which applications may be written and the time for appealing, or Section XXVII.

Act XI of 1863 and Act V of 1863 (B. C.) to remain unrepealed.

DCLCVII. Nothing in this Code shall be deemed to repeal or affect the operation of Act XI of 1863 (*to consolidate and amend the Law relating to the employment and remuneration of peons for the service and execution of Civil process*), or Act V of 1863 of the Council of the Lieutenant-Governor of Bengal (*to amend the Law relating to the employment and remuneration of peons for the service and execution of the process of the Civil and Revenue Courts.*) (*Small Cause Courts.*)

All references in previous Acts, to the "Code of Civil Procedure," to be read as applying to this Code.

DCLXVIII. When in any Act passed prior to the coming into operation of this Code, reference is made to Act VIII of 1859, Act XXIII of 1861, or the "Code of Civil Procedure," such references shall be read as applying to this Code, and when any procedure is directed to be in accordance with the provisions of Act VIII of 1859, Act XXIII of 1861, or the "Code of Civil Procedure," such procedure shall be deemed to be directed to be in accordance with the provisions of this Code. (*Small Cause Courts.*)

Procedure prescribed by this Code in what cases to be followed.

DCLXIX. The procedure prescribed by [this Code shall be followed from the date on which this Code shall come into operation, in all suits and appeals, regular, special, or otherwise, and, as far as it can be made applicable, in all miscellaneous cases and proceedings instituted in any Court. But this Code shall not in any way invalidate or alter the effect of any thing which shall have been done in any suit, appeal, miscellaneous case, or proceeding prior to this Code coming into operation, and every thing which shall have been so done shall be deemed good and shall have effect so far as circumstances will permit, in like manner as if the same had been done in due course under this Code. Provided that no party to whom a right of appeal, whether regular, special, or otherwise, shall have accrued under any law for the time being in force before this Code shall have come into operation, shall be deprived of such right by any thing contained in this Code, if such party shall exercise such right by preferring his appeal to the proper Court in due form within the time allowed for preferring appeals by the law under which the right of appeal accrued. (*Small Cause Courts.*)

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Code when to come into operation.

DCLXX. This Code shall come into operation and have effect on and from the day of 186 (*Small Cause Courts.*)

SCHEDULE A.

ACTS AND PARTS OF ACTS REPEALED.

Reference to Act.	Title of Act.	Extent of Repeal.
Regulation VI of 1831	For the appointment of one or more Judges, to be ordinarily stationed at Allahabad, for the purpose of exercising the powers and authority of the Sudder Dewanny and Nizamut Adawlut within the Province of Benares, the ceded and conquered Provinces including the Districts of Meerut, Saharunpore, Mozuffernugger, and Boolundshuhur, which are now subject to the Chief Commissioner at Delhi, and the powers and authority of the Nizamut Adawlut in the Provinces of Kumaon and the Saugur and Nerbudda Territories.	Section VII so far as it relates to the Court of Sudder Dewanny Adawlut.
„ IX of 1831	For the more speedy and efficient administration of justice in the Courts of Sudder Dewanny and Nizamut Adawlut.	Section IX so far as it relates to the Court of Sudder Dewanny Adawlut.
„ VI of 1832	For enabling European functionaries to avail themselves of the assistance of respectable Natives in the Administration of Civil or Criminal Justice, and for modifying or dispensing with Futwas by Mahomedan Law Officers in certain trials.	So far as it relates to Courts for the Administration of Civil Justice.
Act XXIII of 1840 ..	For executing within the local limits of the jurisdiction of Her Majesty's Courts legal Process issued by authorities in the Mofussil.	So far as it relates to the execution of the process of Civil Courts.
„ VIII of 1859 ...	For simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.	The whole.
„ XXIII of 1861 ...	To amend Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.*)	The whole.
„ X of 1862 ...	To consolidate and amend the Law relating to Stamp Duties.	Sections XVII and XXVI.
„ IX of 1863 ...	To amend the Code of Civil Procedure ...	The whole.
„ XVIII of 1863 ...	To make provision for the speedy and efficient disposal of the business now pending in the Office of the Master of the High Court of Judicature at Fort William in Bengal, and to provide for the abolition of the oaths now administered to Hindoos and Mahomedans in the said Court, and to amend the Code of Civil Procedure in respect of process issued out of the said Court in the exercise of its original Civil Jurisdiction.	Sections V, VII, VIII, X, and XI.

SCHEDULE B.

COURT of the of holden at
REGISTER OF CIVIL SUITS in the year 18 .

Date of presentation of plaint.	No. of Suit.	PLAINTIFF.			DEFENDANT.			CLAIM.			APPEARANCE.			JUDGMENT.			APPEAL.		EXECUTION.					RETURN OF EXECUTION.		
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Particulars.	Amount or value.	When the Cause of Action accrued.	Day for Parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or Amount.	Date of Appeal.	Judgment in Appeal.	Date of Application.	Date of Order.	Against whom.	For what, and Amount if money.	Amount of Costs.	Amount paid into Court.	Arrested.	Minute of other Return than payment or Arrest, and Date of every Return.

SCHEDULE C.

No. of Suit.

In the Court of at

To

Plaintiff.
Defendant.

(Name, description, and address.)

Whereas [*here enter the name, description, and address of the plaintiff*] has instituted a suit in this Court against you [*here state the particulars of the claim as in the Register*]: you are hereby summoned to appear in this Court in person on the day of at in the forenoon [*if not specially required to appear in person, state—"in person or by an Advocate of the Court duly instructed and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions"*] to answer the above-named plaintiff. [*If the summons be for the final disposal of the suit, this further direction shall be added here; "and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce all your witnesses on that day"*]: and you are hereby required to take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence; and you will bring with you (or send by your agent) [*here mention any document the production of which may be required by the plaintiff*] which the plaintiff desires to inspect, and any document on which you intend to rely in support of your defence.

SCHEDULE D.

No. of Suit.

In the Court of at

To

Plaintiff.
Defendant.

(Name, description, and address.)

You are hereby summoned to appear in this Court in person on the day of at in the forenoon, to give evidence on behalf of the plaintiff (*or* the defendant) in the abovementioned suit, and to produce (*here describe with convenient certainty any document the production of which may be required. If the Summons be only to give evidence, or if it be only to produce a document, it must be expressed accordingly*): and you are not to depart thence without the leave of the Court.

SCHEDULE E.

COURT (*or* HIGH COURT) at

REGISTER OF APPEALS FROM DECREES in the year 18 .

Date of Memorandum.	No. of Appeal.	APPELLANT.			RESPONDENT.			DECREE APPEALED FROM.				APPEARANCE.			JUDGMENT.		
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Of what Court.	No. of Original Suit.	Particulars.	Amount or value.	Day for parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed, or altered.	For what, or amount.

SCHEDULE F.

HIGH COURT at

REGISTER OF SPECIAL APPEALS.

Date of Memorandum.	No. of Appeal.	APPELLANT.			RESPONDENT.			DECREE APPEALED FROM.				APPEARANCE.			JUDGMENT.		
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Of what Court.	No. of Original Suit, and of Appeal.	Particulars.	Amount or value.	Day for parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed or altered.	For what, or Amount.

STATEMENT OF OBJECTS AND REASONS.

This Bill proposes to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature in British India. The numbers and titles of the Regulations and Acts which will be repealed from the date upon which the Bill comes into operation, are set forth in the Schedule annexed to the Bill.

The present Code of Civil Procedure is in force throughout the British dominions in India; with exception to the Territories under the Government of the Lieutenant-Governor of the Punjab, and two or three small Provinces in other parts of the Country, to which, owing to their rude and backward state, it has not as yet been thought advisable to extend the Code.

The Courts of Small Causes at the three Presidency Towns of Calcutta, Madras, and Bombay are also exempted from the operation of the Code; but an Act, which has recently been passed by the Council of the Governor-General of India, to enlarge the pecuniary jurisdiction of these Courts, and to provide for the appointment of an increased number of Judges, empowers the local Governments, with the sanction of the Governor-General of India in Council, to extend to them any parts of the Code with certain reservations.

As the present Code of Civil Procedure dates only from the year 1859, it may be considered that the time has not yet arrived when it should be subjected to the first of those periodical revisions which are found necessary in the case of all Codes of Procedure, to rectify errors and to adapt them to altered circumstances. If the object of the Bill were simply to supply omissions or to cure defects brought to light in the working of the Code during the period that has intervened since its introduction, or to remove doubts which have arisen as to the intent and meaning of some of the Sections, it might be better to allow the Code to remain some further time in operation before any general revision were attempted.

But in the last four years great changes have taken place in the Judicial agency of the Country, as well as in the substantive Criminal law in its relation to the administration of Civil justice.

Acts committed in the Civil Courts, or in connection with the processes of those Courts, which before the passing of the Indian Penal Code, were not offences, have by that Code been made offences, and are now punishable by the Criminal Courts.

The Supreme and Sudder Courts at the three Presidencies have been abolished, and their places have been taken by High Courts, the proceedings of which on the Civil side, except in the exercise of their testamentary, intestate, and matrimonial jurisdiction, are required to be regulated by the Code of Civil Procedure.

The Office of Master, in which a large and very troublesome portion of the business which came before the late Supreme Courts was performed, has been done away with.

Courts of Small Causes have been established in many parts of the Country beyond the limits of the Presidency Towns, the proceedings of which are also required to be regulated, generally, by the Code of Civil Procedure, and it is proposed not only to add to the number of these Courts, but to empower the local Governments to increase the pecuniary jurisdiction of selected Judges to the same amount to which the jurisdiction of the Courts of Small Causes at the Presidency Towns has lately been enlarged.

The Code has been extended to many places not subject to the general Regulations, such as the Central Provinces and British Burmah, the circumstances of which are peculiar, but the framers of the Code having no knowledge of those circumstances, made no provision to meet them.

Under the operation of an Act recently passed, the Offices of Hindoo and Mahomedan Law Officers will immediately be abolished and the Courts will no longer have those Officers to apply to for an exposition of the law when questions of inheritance and succession, and other questions requiring to be determined according to Hindoo or Mahomedan law arise in suits coming before them.

These and other changes have already led to the passing of several Acts to amend the Code of Civil Procedure, and further legislation is called for on many points connected with the procedure of the Courts. One of the Acts passed to amend the Code (Act XXIII of 1861) consists of no less than forty-four Sections. This was to some extent a consolidating Act; but still the laws constituting the Code of Civil Procedure are much scattered, and further legislation, as already noticed, being necessary, it seems desirable, instead of adding to the number of Acts by which the Civil Courts are to regulate their proceedings, that the opportunity should be taken to pass a single, or consolidating, Act, which shall be complete in itself, and which shall amend whatever experience may have shown to be defective in the existing Code.

Immediately after the establishment of the High Court of Judicature at Calcutta, it was found necessary to introduce a temporary Bill to provide for the levy of Fees and Stamp Duties in proceedings before the Court, and to suspend the operation of some of the Sections of the Code of Civil Procedure in their application to the Court.

It was pointed out at the time of the introduction of the Bill, that when the Indian Legislature passed the Code of Civil Procedure, it contemplated that a separate Code of Civil Procedure would be prepared for the High Courts, whenever they should be established; and further legislation was promised as soon as the High Courts had been established a sufficient time to admit of an opinion being formed as to whether any and what other alterations of the existing Code were necessary.

The temporary Act passed at the time above mentioned has been twice renewed, but the renewing Acts have done little more than continue in force the original Act.

It is highly satisfactory to find that, notwithstanding that the Code, as passed in this Country, was intended to apply only to the Indian Civil Courts, as distinguished from the Courts established by Royal Charter, its provisions have, on the whole, proved well suited to the High Courts in the exercise of their ordinary original Civil

risdiction, and are generally admitted to have greatly promoted the speedy administration of justice in those Courts.

It is, no doubt, owing in a great measure to the skill and ability with which the learned Judges of the High Court, aided by an intelligent Bar, have worked the Code, and have adapted its provisions to the suits that have come before them, that these favorable results have been obtained; and I am glad to think that the revised Code, should it become law, will enjoy the same advantages in this respect as the Code whose place it is intended to take.

The present Bill embodies the whole of the Sections of the temporary Act now in force, and several of the provisions of the Act passed in the early part of last year, to provide for the speedy disposal of cases pending in the Master's Office, no longer considered necessary under the new system of procedure.

The Bill also proposes to substitute Stamp Duties for fees in cases coming before the High Courts in the exercise of their ordinary original Civil jurisdiction.

The question of the introduction of Stamp Duties in cases tried by the High Courts as Courts of original jurisdiction, was discussed at the time the temporary Act (XX of 1862) was under consideration; but it was thought that it would be better to defer any change in the existing practice until inquiry could be made as to what would be the effect of extending to the original side of the High Courts the provisions of Schedule B of the Stamp Act, containing the specification of duties chargeable on law papers; in other words, of repealing so much of Section XXX of Act X of 1862, as excepts Courts established by Royal Charter from the provision contained in that Section.

The result of the enquiries since made on the point would seem to show, that there is a very general feeling in favor of the change of the existing law proposed in the present Bill, and that it is not expected that any public inconvenience will result from the introduction of Stamp Duties in lieu of fees, or that it will give rise to any practical difficulty. The substitution of Stamp Duties for fees in the cases which will be affected by the change, will probably have little effect on the costs of litigation, except that it may bring the costs, so far as the dues of Government are concerned, more in proportion to the amount or value of the property in dispute than is the case at present. This is only just and proper. Financially I do not know that any benefit will accrue to the State from the change; but the advantages of a system of Stamp Duties over fees, in rendering unnecessary the keeping of numerous accounts, and in preventing peculation and other irregular practices, are so great that, other things being equal, it seems desirable on this ground alone to make the alteration proposed in the Bill.

At the time when the Bill for constituting Courts of Small Causes in the interior of the Country, or beyond the local limits of the jurisdiction of the Courts of Small Causes in the Presidency Towns, was under consideration, it was proposed to frame, from the Code of Civil Procedure, a Code, by which the proceedings of the Courts about to be constituted, should be regulated; but the idea was abandoned, as it was found that it would be necessary to embody in the proposed Code so many of the provisions of the general Code, that the one Code would really be to a great extent a repetition of the other. Instead, therefore, of preparing a separate Code of Procedure for the use of the Courts of Small Causes in the interior of the Country, a Section was introduced into the Act for constituting those Courts, declaring that, except as otherwise provided in the Act, the Code of Civil Procedure should be followed in cases cognizable by them in so far as the same might be applicable and necessary.

The only objection, so far as I know, which has been felt to exist to the course pursued of making the Code of Civil Procedure generally applicable to the cases cognizable by Courts of Small Causes in the interior of the Country, has been the difficulty, which is occasionally experienced by the presiding Judges, of determining whether a particular Section of the Code is, or is not, applicable to their Courts.

To remove this difficulty and to prevent any such doubt from arising in future, Section III of the present Bill provides as follows:—

"The Sections of this Code having the words 'Small Cause Courts' affixed to them in a parenthesis, extend to Courts of Small Causes constituted under any law for the time being in force so far as the same are or can be made applicable to such Courts, as well as to other Courts not so constituted. The Sections of this Code to which the said words are not so affixed, do not extend to Courts of Small Causes."

The Sections thus made expressly applicable to Courts of Small Causes established in the interior of the Country, or such of the Sections as are to be found in the present Code of Civil Procedure were always, I believe, intended to apply to those Courts; and the publication of the present Bill, though the provision which it contains on this point will not be binding until the Bill becomes law, will, I think, be of material service to the Judges of the Mofussil Courts of Small Causes whenever any difficulty or doubt, of the nature above mentioned, arises in cases coming before them. It must not, of course, be supposed that the whole, or any large part, of the Sections made applicable to Courts of Small Causes will come daily into operation in proceedings before those Courts. The Sections which will be most commonly acted upon will probably be very few in number; but cases may arise in which the other Sections will be found useful, and when such cases do occur, it is desirable that the Courts should have a uniform rule for their guidance in dealing with them.

It was observed by the Royal Commissioners by whom the Code of Civil Procedure was originally prepared in England, that in the simpler classes of suits, the procedure which the Code prescribed would be equally expeditious and economical with that of the Courts of Small Causes at Calcutta, Madras and Bombay. This remark has been fully justified by the result. As showing how successful the Code has been in expediting the administration of justice it may be mentioned, that in a Court of Small Causes in the North-Western Provinces established under the provisions of Act XLII of 1860, the average duration of suits disposed of during the past year was only eight days, including the day on which the plaint was filed. Under the old system of procedure the average would probably have been between two and three months.

The Bill contains provisions—for the service of summons upon, and for taking the examination as witnesses of, persons confined in jail under Criminal process, (the want of which was brought to notice by the Lieutenant-Governor of Bengal);—for enabling the Courts to obtain the testimony of skilled persons on any question relating to the law of the religion of the parties, for the determination of which, when such question relates to Hindoo or Mahomedan law, the Courts, as already noticed, will no longer have the assistance of Hindoo and Mahomedan Law Officers in the service of Government;—and for regulating the proceedings of the Courts in enforcing, without a suit, bonds and other written obligations for the payment of money, when such bonds or other obligations shall have been registered in the manner provided in Section LI of the Act* recently passed, relating to the Registration of Assurances; that is, with an agreement that, in the event of the bond or other written obligation not being satisfied within the time stipulated, the amount may be recovered without a suit. The Chapter of "Definitions" and the Chapter of "General Rules" have also been greatly enlarged.

* Act XVI of 1864.

These various new provisions have, of course, added considerably to the number of Sections of which the present Code consists, and that number has been further greatly increased by the division into two or more Sections of several of the Sections of the Code which are of inconvenient length. This division will, it is thought, materially facilitate reference, and be otherwise an improvement.

The only other addition to the existing Code, proposed by the Bill, which it seems necessary particularly to notice, has reference to suits brought to enforce the performance of any one or more acts under a contract, without waiting for the time when the whole of the acts required to be performed under the contract ought to have been performed. The part of the Bill referred to (Section XXIII and Sections CXXXI to CXXXV), has been taken with some modifications from the Bill, prepared by my Hon'ble and learned Colleague Mr. Maine, for the improvement of the administration of Civil justice in respect of suits of small value, published some time ago in the Official Gazette. The Code of Civil Procedure seems the fitter place for the provisions in question, and they have been introduced into the present Bill, in the form in which they now appear, with Mr. Maine's entire concurrence. I will not anticipate, in this Statement, the discussion on the principle of Mr. Maine's Bill, for which its introduction into the Council of the Governor-General for making Laws and Regulations will be the proper occasion; but I desire to take this opportunity of expressing my conviction, that should the Bill pass into law, it will fully justify its title, and will effect a very considerable amount of improvement in the large portion of Indian litigation to which the provisions of the Bill will be applicable; that is, in the thousands of cases, of comparatively small amount and simple character, which are annually brought before our Indian Civil Courts. I may add that the present Bill does not propose to alter the existing law under which, in suits for damages for breach of contract, the Court may, with the consent of the plaintiff, if it appear that the defendant is able to perform the contract, decree specific performance within a time to be fixed by the Court, and award an amount of damages to be paid as an alternative if the contract is not performed. The Bill also leaves untouched the existing law relating to the execution of decrees for the specific performance of contracts, except that it limits to six months the period for which a defendant may be imprisoned, in execution, on failure to comply with the terms of the decree.

H. B. HARINGTON.

The 23rd April 1864.

C. BOULNOIS,

Offg. Depy. Secy. to the Govt. of India,

Home Dept.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 16.

SUPPLEMENT TO

The Gazette of India.

SATURDAY, APRIL 30, 1864.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

PUBLIC WORKS DEPARTMENT.

Plate-laying in the Delhi District.

Progress Report of Plate-laying, dated 31st March 1864.

Station.	Total distance.	Linked in.	Completed.	REMARKS.
	Miles.	Miles.	Miles.	
End of Agra District to Allyghur Station	3·79	3·79	3·79	
Allyghur to Somna	13·68	13·68	13·68	
Somna to Koorjah	13·24	13·24	13·24	
Koorjah to Bolundshuhur Road	8·87	8·87	8·87	
Bolundshuhur Road to Secundrabad	8·68	8·68	8·68	
Secundrabad to Dadree	11·10	11·10	11·10	
Dadree to Gazeeoodeennuggur Junction	10·17	10·17	10·17	
Gazeeoodeennuggur Junction to Delhi Terminus ...	12·55			
Total ...	82·08	69·53	69·53	
Sidings ...	12·92	4·93	4·93	
Grand Total ...	95·00	74·46	74·46	

G. SIBLEY,
Chief Engineer.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 17.

The Gazette of India.

Published by Authority.

SATURDAY, APRIL 30, 1864.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 8th April 1864, and is hereby promulgated for general information :—

ACT No. XXIV OF 1864.

An Act relating to the Administration of certain Districts under the Government of the Lieutenant-Governor of the North-Western Provinces.

Preamble.

Whereas certain Rules for the administration of Civil Justice and for the superintendence of the settlement and of the realization of the Public Revenue and of matters relating to rent in the Districts of Jhansie, Jaloun and Lullutpore, were made by the Lieutenant-Governor of the North-Western Provinces, and came into operation on the twenty-eighth day of January and the seventh day of February 1862: and whereas the said Rules, so far as they relate to the administration of Civil Justice, were afterwards extended by an order of the Lieutenant-Governor of the North-Western Provinces to the Provinces of Kumaon and Gurhwal: and whereas it is expedient to prevent the validity of decisions, orders, and proceedings passed or held under the said Rules being questioned only by reason that the said Rules were not made in accordance with the provisions of the Indian Councils' Act 1861: and whereas it is expedient to make provision for the administration of the Districts and Provinces aforesaid and also of a tract of country in Dehra Dhoon in the North-Western Provinces known as Jounsar Bawur; It is enacted as follows:

Rules relating to jurisdiction and procedure of Revenue Officers, &c., to be deemed valid from date of issue.

I. The Rules made as aforesaid by the Lieutenant-Governor of the North-Western Provinces relating to the jurisdiction and procedure of the Revenue Officers, and for the superintendence of the settlement and of the realization of the Public Revenue, and of matters relating to rent within the said Districts of Jhansie, Jaloun and Lullutpore, shall be deemed valid for all purposes from the date on which such Rules were issued.

Rules for administration of Civil Justice to be deemed valid from date of issue until operation of this Act, and parts to continue of effect.

II. The Rules made as aforesaid by the Lieutenant-Governor of the North-Western Provinces for the administration of Civil Justice within the said Districts and thereafter extended to the Provinces of Kumaon and Gurhwal as aforesaid, shall be deemed valid for all purposes from the date on which they were issued until this Act shall come into operation. So much of the said Rules as relates to the establishment of Courts of Civil Judicature, and provides for the trial of suits and appeals by Commissioners, Deputy Commissioners of Districts, Assistant Commissioners, Extra Assistant Commissioners, and Tehsildars, together with so much of the said Rules as relates to the periods of appeal from decisions and orders made by such Courts, shall continue to be in force after this Act shall have come into operation.

Validity given to all decisions, &c., prior to the passing of this Act.

III. No decision, order, or proceeding of any Court or Officer under any of the said Rules, made and extended as aforesaid by the Lieutenant-Governor of the North-Western Provinces, shall be questioned on the ground of such order or decision having been passed or of such proceeding having been held before the date fixed for this Act to come into operation.

Proceedings in Civil suits how to be regulated.

IV. Except as in this Act is otherwise provided, the proceedings in Civil suits of every description between party and party, brought in the said Courts of Civil Judicature, shall be regulated by the Code of Civil Procedure.

Suits where to be instituted.

V. Every suit shall be instituted in the Court of the lowest grade competent to try it.

Power of Commissioner and Deputy Commissioner as to suits instituted in any subordinate Court.

VI. It shall be lawful for the Commissioner or for the Deputy Commissioner of a District to withdraw any suit instituted in any Court subordinate to the Court of such Commissioner or Deputy Commissioner, and to try such suit himself or to refer it for trial to any other Court subordinate to his authority and competent in respect of the value of the suit to try the same.

VII. If the suit be for land or other immoveable property situate within the local limits of the jurisdiction of different Courts, the suit may be brought in any Court otherwise competent to try it, within the jurisdiction of which any portion of the land, or other immoveable property in suit is situate; but in such case the Court in which the suit is brought shall apply to the Deputy Commissioner of the District if the suit is brought in any Court subordinate to the Deputy Commissioner or to the Commissioner if the Court in which the suit is brought is the Court of a Deputy Commissioner, for authority to proceed with the same.

Trial of suits for land or immoveable property situate within the jurisdiction of different Courts.

VIII. The periods of regular and special appeal prescribed in the Rules, which by Section II of this Act are to continue in force after this Act shall have come into operation, shall be reckoned from and exclusive of the day on which the judgment appealed against shall have been pronounced, and also exclusive of such time as may be requisite for obtaining a copy of the decree from which the appeal is made. Appeals from orders, when such appeals are allowed by the Code of Civil Procedure, shall be presented within the same period as appeals from decrees.

Periods of appeal how to be reckoned.

IX. Act XIV of 1859 (*to provide for the limitation of suits*) is hereby extended to the said Districts of Jhansie, Jaloun and Lullutpore, and to the said Provinces of Kumaon and Gurhwal, and shall take effect therein from the date on which this Act comes into operation, subject to the provision contained in Section XXIV of the said Act XIV of 1859, as regards pending suits instituted within two years from the date above mentioned.

Act XIV of 1859 extended to certain districts and provinces.

X. It shall be lawful for the Lieutenant-Governor of the North-Western Provinces by notification in the Official Gazette, to extend to the said Districts and Provinces the operation of any Regulation or Act now in force in the Districts under his Government which are subject to the General Regulations, and to declare in whom any authority to be exercised under any Regulation or Act so extended shall be vested.

Operation of Regulations and Acts may be extended to the same Districts, &c.

XI. The administration of Civil and Criminal Justice and the superintendence of the settlement and realization of the Public Revenue and of all matters relating to rent within the tract of country in the Dehra Dhoon called Jounsar Bawur, are hereby vested in such Officer or Officers as the Lieutenant-Governor of the North-Western Provinces may for the purpose of tribunals of first instance or of reference and appeal appoint.

Administration vested in Officers appointed by the Lieutenant-Governor of North-Western Provinces.

XII. The Officer or Officers so appointed shall be guided by the Rules made before the date fixed for this Act to come into operation by the Lieutenant-Governor of the North-Western Provinces under the authority of Act XIV of 1861 (*to remove certain tracts of country in the Rohilcund Division from the jurisdiction of the tribunals established under the general Regulations and Acts*), for the guidance of the Officers appointed to administer the tracts of country described in the said Act.

Rules for administration.

XIII. The Lieutenant-Governor of the North-Western Provinces may, by notification in the Official Gazette, extend the Code of Civil Procedure to the said tract of country known as Jounsar Bawur or the tracts of country described in the said Act XIV of 1861.

Code of Civil Procedure may be extended to certain tracts.

XIV. Nothing in this Act or in the said Act XIV of 1861 shall be held to exclude the said tract of country known as Jounsar Bawur, or the tracts of country described in the said Act XIV of 1861, from the operation of the Indian Penal Code.

Tracts not to be held excluded by this Act or Act XIV of 1861 from operation of Indian Penal Code.

XV. This Act shall come into operation on the first day of May 1864.

Operation of Act.

C. BOULNOIS,
Offg. Depy. Secy. to the Govt. of India,
Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 9th April 1864, and is hereby promulgated for general information :—

ACT NO. XXV OF 1864.

An Act to provide further for the solemnization of Marriages in India of persons professing the Christian Religion.

Preamble.

Whereas it is expedient to provide further for the solemnization of marriages in India of persons professing the Christian Religion; It is enacted as follows :—

PART I.

As to the persons by whom Marriage may be solemnized.

Marriage between persons professing the Christian Religion to be solemnized according to the provisions of this Act.

I. From and after the first day of July 1864 no marriage between persons, one of whom is a person, or both of whom are persons, professing the Christian Religion, shall be solemnized, except in accordance with the provisions hereafter stated in this Act.

Marriages by whom to be solemnized.

II. Marriages may be solemnized in India—

1*st*. By any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies, and customs, of the Church of which such person is a Minister.

2*nd*. By any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies, and customs, of the Church of Scotland.

3*rd*. By, or in the presence of, a Marriage Registrar under the provisions of the Statute 14 and 15 Vic, cap. 40, or of Act V of 1852 (*for giving effect to the provisions of an Act of Parliament passed in the 15th year of the reign of Her present Majesty entituled "An Act for Marriages in India"*) of the Governor-General of India in Council.

4th. By any Minister of Religion who, under the provisions of this Act, has obtained a license to solemnize marriages.

5th. By any person who with respect to marriages between Native Christians, shall have received under the provisions of Part V of this Act a license to grant certificates of marriage.

Declaration and certificate heretofore required under certain Acts no longer required.

III. From and after the first day of July 1864, the declaration and certificate required by the Statute 58 Geo. III, Cap. 84, and Act XXIV of 1860 (*for the solemnization of Marriages in India by ordained Ministers of the Church of Scotland*) of the Governor-General of India in Council, shall be no longer required.

Licenses by whom to be granted.

IV. From and after the first day of July 1864 the Governor-General of India in Council, the Governors of Madras and Bombay in Council, and the Lieutenant-Governors of Bengal, the North-Western Provinces, and the Punjab, shall have authority to grant licenses to Ministers of Religion, to solemnize marriages within the territories subject to such Governor-General, Governors, and Lieutenant-Governors respectively.

Marriages solemnized otherwise than according to this Act to be void.

V. From and after the first day of July 1864, all marriages solemnized in India otherwise than in accordance with the provisions of Sections I and II of this Act, shall be null and void.

Marriages already solemnized by certain persons to be deemed valid.

VI. All marriages solemnized in India before the first day of July 1864 by persons who have not received episcopal ordination, or who have not otherwise received express authority to solemnize such marriages under Acts of Parliament or Acts of the Governor-General of India in Council, if not otherwise invalid, shall be deemed valid to all intents and purposes.

PART II.

As to the mode of solemnizing Marriages under this Act.

Notice of intended marriage to whom to be given. Form of notice.

VII In every case of intended marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, otherwise than—

1st. Under the provisions of the Statute 14 and 15 Vic, cap. 40, or of the said Act V of 1852 of the Governor-General of India in Council: or

2nd. By a Clergyman of the Church of England according to the rites, rules, ceremonies, and customs, of that Church: or

3rd. By a Clergyman of the Church of Scotland according to the rites, rules, ceremonies, and customs of that Church: or

4th. By a person who has received a license to grant certificates of marriage between Native Christians under the provisions of Part V of this Act—

One of the parties shall give notice in writing according to the form prescribed by the Schedule (A) to this Act annexed or to the like effect, to the Minister of Religion whom he shall desire to solemnize the said marriage, and shall state therein the name or names, and the profession or condition, of each of the parties intending marriage, the dwelling place of each of them and the time (not being less than four days) during which each has dwelt there, and the Church, Chapel, or other place of, or generally used for, public worship, or the private dwelling in which the marriage is to be solemnized. Provided that if either party shall have dwelt in the place stated in the notice during more than one calendar month, it may be stated therein, that he or she has dwelt there one month and upwards. Provided also that at any place or Station where there is a Church or Chapel, or other building generally used for public worship, no Clergyman of the Church of England shall solemnize a marriage in a private dwelling or in any place except in such Church, or Chapel, or other building generally used for public worship, unless he has received a special license authorizing him to do so from and under the hand and seal of the Bishop of the Diocese, or from the Commissary of such Bishop. For such special license the Registrar of the Diocese shall be entitled to charge such additional fee as the Bishop of the Diocese may sanction.

Proviso.

Publication of Notice.

VIII. The Minister of Religion to whom such notice shall have been delivered, if he shall be entitled to officiate in the Church, Chapel, or place of, or generally used for, public worship in which it is intended to solemnize the said marriage, shall publish every notice of marriage received by him, by causing the same to be published and affixed in some conspicuous part of the said Church, Chapel, or place of, or generally used for, public worship in which it is intended that the said marriage shall be solemnized. If such Minister of Religion shall not be entitled to officiate as a Minister in such Church, Chapel, or place of, or generally used for, public worship, he shall at his option either return the said notice to the person delivering the same to him, or shall deliver the same to some other Minister entitled to officiate in such place of worship, who shall thereupon cause the same to be so published and affixed in the said Church, Chapel, or place of, or generally used for, public worship.

Notice of intended marriage in private dwelling.

IX. If it be intended that the marriage shall be solemnized not in a Church, Chapel, or other place of, or generally used for, public worship, but in a private dwelling, the Minister of Religion receiving the notice prescribed in Section VII shall forward it to the Marriage Registrar of the District, who shall affix the same to some conspicuous place in his own Office.

Procedure as to notice when one of the parties intending marriage is under twenty-one years of age.

X. When one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, every Minister as aforesaid who shall receive such notice, and who shall not forthwith return such notice to the party delivering the same under Section VIII shall, within twenty-four hours after the receipt by him thereof, send or cause to be sent by the Post, or otherwise, a copy of such notice to the Marriage Registrar of the District.

Publication of notice in such a case.

XI. The Marriage Registrar of the District on receiving any such notice shall affix the same to some conspicuous place in his own Office.

Appointment of Senior Marriage Registrar.

XII. If there be more Marriage Registrars than one in any District, the local Government shall appoint one of such Registrars to be Senior Marriage Registrar, and such notice as aforesaid shall be sent to such Senior Marriage Registrar, who, on receiving the same, shall, besides affixing it in the manner laid down in the last preceding Section, send or cause to be sent a copy of such notice to all the other Marriage Registrars in the same District, who shall likewise affix the same in their own Offices or Churches, Chapels, or places of worship as aforesaid.

Issue of certificate of notice given and declaration made.

XIII. Any Minister of Religion who shall consent or intend to solemnize any such marriage as aforesaid, on being required so to do by or on behalf of the party by whom the notice was given, and upon one of the parties intending marriage making such declaration as is hereinafter required, shall issue under his hand a certificate of such notice having been given and of such declaration having been made. Provided no lawful impediment according to the law of England be shown to the satisfaction of such Minister why such certificate should not issue, and the issue of such certificate shall not have been sooner forbidden in the manner hereinafter mentioned, by any person authorized in that behalf

Certificate in certain cases not to issue until fourteen days after receipt of notice of marriage.

XIV. When by such declaration it appears, or when it is otherwise known to such Minister of Religion, that one of the parties intending marriage, not being a widower or widow, is under twenty-one years of age, such Minister shall not issue such certificate until the expiration of fourteen days after the receipt by him of such notice of marriage.

Declaration to be made.

XV. Before any such certificate as aforesaid shall be issued by any such Minister, one of the parties intending marriage shall appear personally before such Minister, and shall make a solemn declaration that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage, and when either or each of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the person whose consent to such marriage is required by law has been obtained thereto, or that there is no person resident in India having authority to give such consent, as the case may be.

Consent of what person necessary to the marriage of a person under twenty-one years of age.

XVI. The father, if living, of any party under twenty-one years of age, such party not being a widower or widow, or if the father be dead the guardian or guardians of the person of the party so under age lawfully appointed, or one of them, and in case there be no such guardian then the mother of such party, shall have authority to give consent to the marriage of such party, and such consent is hereby required for the marriage of such party so under age, unless there be no person authorized to give such consent resident in India.

Notice by person whose consent is required prohibiting marriage.

XVII. Every person whose consent to a marriage is required as aforesaid, is hereby authorized to prohibit the issue of the certificate by any Minister as aforesaid, at any time before the issue of such certificate, by notice in writing to such Minister, subscribed by the person authorized as aforesaid, with his name and place of abode, and his or her character in respect of either of the parties, by reason of which he or she is so authorized.

Procedure on receipt of such notice by Minister, &c.

XVIII. If any such notice prohibiting the marriage shall be received by such Minister as aforesaid, he shall not issue his certificate, and shall not solemnize the said marriage until he shall have examined into the matter of the said prohibition, and shall be satisfied that the person prohibiting the said marriage is not authorized by law so to do, or until the notice of the said prohibition be withdrawn by the person who gave the same.

Procedure before issue of certificate in the case of a Native Christian.

XIX. When any Native Christian about to be married takes a notice of marriage to a Minister of Religion, or applies for a certificate from such Minister, such Minister shall, before issuing such certificate, ascertain whether such Native Christian is cognizant of the purport and effect of the said notice or certificate, and if not, shall translate or cause to be translated the said notice or certificate to such Native Christian in the language of such Native Christian, or in some language which he understands.

Form of certificate.

XX. The certificate to be issued by such Minister as aforesaid, may be in the form prescribed by the Schedule (B) to this Act annexed, or to the like effect.

After issue of certificate, marriage may be solemnized.

XXI. After the issue of the certificate by such Minister of Religion, marriage may be solemnized between and by the parties therein described according to such form or ceremony as such Minister shall see fit to adopt. Provided that it be solemnized in the presence of at least two witnesses.

New notice and certificate required after two months.

XXII. Whenever a marriage is not solemnized within two calendar months after the date of the certificate which shall have been issued by such Minister as aforesaid, such certificate and all other proceedings thereon shall be void, and no person shall proceed to solemnize the said marriage until new notice shall have been given and certificate thereof issued in the manner aforesaid.

Proof of certain particulars as to marriage solemnized according to Part I not necessary.

XXIII. Provided that whenever any marriage has been solemnized by a Minister of Religion in accordance with the provisions of Part I of this Act, it shall not be necessary in support of such marriage to give any proof in respect of the dwelling of the parties, or of the consent of any person whose consent is thereunto required by law, or of the notice of marriage, or of the certificate or the translation thereof respectively,

or in respect of the hours between which the same may have been solemnized; nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

PART III.

Time for solemnizing Marriages.

Marriages between what hours to be solemnized.

XXIV. Every marriage solemnized in India from and after the first day of July 1864, by any person who has received episcopal ordination, or by any clergyman of the Church of Scotland, or by any Minister licensed under this Act to solemnize marriages, shall be solemnized between the hours of six in the morning and seven in the evening. But the provisions of this Section shall not apply to a clergyman solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening, from and under the hand and seal of the Bishop of the Diocese, or from his Commissary. For such special license the Registrar of the Diocese shall be entitled to charge such additional fee as the Bishop of the Diocese may sanction.

Proviso.

PART IV.

As to the Registration of Marriages in India.

All marriages with certain exceptions to be registered as hereinafter prescribed.

XXV. All marriages solemnized in India from and after the first day of July 1864, between persons both or one of whom shall profess the Christian Religion, except marriages solemnized under the said Statute 14 and 15 Vic, cap. 40, and the said Act V of 1852 of the Governor-General of India in Council, shall be registered in the manner hereinafter prescribed. Provided that no omission or defect in such registration shall invalidate any marriage not otherwise invalid.

Register of marriages solemnized by Clergymen of the Church of England.

XXVI. Every marriage solemnized by a Clergyman of the Church of England shall be registered by the Clergyman solemnizing the same in the Register of Marriages of the Station or District in which the marriage shall be solemnized, according to the form contained in the Schedule (C) to this Act annexed.

Returns of entries in Register of marriages to be forwarded quarterly by Clergymen of the Church of England to the Registrar of the Archdeaconry.

XXVII. Every Clergyman of the Church of England shall send four times in every year returns in duplicate, authenticated by the signature of such Clergyman, of the entries in the Register of marriages solemnized at or in any Station or District at which such Clergyman shall have any spiritual charge, to the Registrar of the Archdeaconry to which he shall be subject, or within the limits of which such Station or District shall be situated. Such quarterly returns shall contain all the entries of marriages contained in the said Register from the first day of January to the thirty-first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September, and from the first day of October to the thirty-first day of December, of each year respectively, and shall be transmitted by such Clergyman within two weeks from the expiration of each of the quarters above specified. The said Registrar upon receiving the same shall transmit one duplicate to the Secretary to the Government at the Presidency in which such Archdeaconry shall be.

Register and returns of marriages by Clergymen of the Church of Scotland.

XXVIII. Every marriage solemnized by a Clergyman of the Church of Scotland shall be registered by the Clergyman solemnizing the same in a Register of Marriages to be kept by him for the Station or District in which the marriage shall be solemnized, in the form prescribed in Section XXVI for marriages solemnized by Clergymen of the Church of England, and such Clergyman shall forward quarterly to the Secretary to Government, through the Senior Chaplain of such Church, returns similar to those prescribed in the preceding Section for Clergymen of the Church of England, of all marriages solemnized by him.

Certain marriages to be registered in duplicate in Marriage Register Book and also in a counterfoil certificate.

XXIX. After the solemnization of any marriage under this Act by any person who has received episcopal ordination, but who is not a Clergyman of the Church of England, or by any Minister of Religion licensed under this Act to solemnize marriages, the person solemnizing the same shall forthwith register such marriage in duplicate:—that is to say, in a Marriage Register Book to be kept by him for that purpose, according to the form prescribed by the Schedule (D) to this Act annexed, and also in a certificate attached to the Marriage Register Book as a counterfoil.

Entries of marriage in certificate and in Register Book to be signed and attested.

XXX. The entry of such marriage in both the certificate and Marriage Register Book shall be signed by the person by whom the said marriage has been solemnized and also by the parties married, and shall be attested by two witnesses who were present at the solemnization of the marriage, and every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the Marriage Register Book.

Certificate to be separated from Marriage Register Book and forwarded to Marriage Registrar for transmission to Government.

XXXI. The person solemnizing the said marriage shall forthwith separate the certificate from the Marriage Register Book, and transmit it within one calendar month from the time of the solemnization of the said marriage to the Marriage Registrar of the District in which such marriage was solemnized, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall cause the same to be copied into a book to be kept by him for that purpose, and shall transmit all the said certificates which he shall have received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Secretary to the Government of the Presidency or Lieutenant-Governorship within which he resides, together with the certificates from his own Marriage Register Book which he shall transmit under the twelfth Section of the said Statute 14 and 15 Vic, cap. 40, but distinct therefrom.

Copies of certificates.

XXXII Such copies shall be entered in order from the beginning to the end of the said book, and

shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage Registrar indicating the number of the entry of the said copy in the said book, according to the order in which each certificate was received by the said Marriage Registrar.

Registrar to add number of copy to the certificate, &c.

XXXIII. The Marriage Registrar shall also add such last mentioned number of the entry of the copy in the book, to the certificate, with his signature or initials, and shall at the end of every month transmit the same to the Secretary to the Government of the Presidency, or Lieutenant-Governorship, as aforesaid.

Custody and disposal of Register Book of marriages solemnized under Part V.

XXXIV. The person solemnizing any such marriage as is provided for in Part V of this Act, shall keep safely the said Register Book until the same shall be filled, or if he shall leave the District in which he solemnized the marriage before the said book is filled, shall make over the same to the person who shall succeed to his duties in the said District, who shall keep safely the same, and shall enter therein the entries by this Act required to be made in respect of any marriage solemnized by him within the said District; and the person having the control of the book at the time when the same shall be filled, shall transmit the same to the Marriage Registrar of the District, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall transmit the same to the Secretary to the Government at the Presidency as aforesaid, to be kept by him with the records of his office.

Transmission of certificates of certain marriages to Secretary of State for India.

XXXV. Provided that with regard to the marriages so certified, of which it may appear to the Governor-General of India in Council desirable that evidence shall be transmitted to England, the Secretary to the Government shall, at the end of every three calendar months in each year, send all the certificates of marriage sent to him as aforesaid during such three months, signed by him, to the Secretary of State for India, for the purpose of being delivered to the Registrar General of Births, Deaths, and Marriages in India.

Correction of errors.

XXXVI. Any person charged with the duty of registering any marriage, who shall discover any error to have been committed in the form or substance of any such entry, may within one calendar month next after the discovery of such error, in the presence of the parties married, or, in case of their death or absence in the presence of two other credible witnesses who shall respectively attest the same, correct the erroneous entry according to the truth of the case by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and such person shall make the like marginal entry, attested in the like manner, in the certificate thereof, and in case such certificate shall have been already transmitted to the Secretary to the Government of the Presidency or place within which he resides, such person shall make and transmit in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

Searches may be made and certificates or copies given.

XXXVII. Every person solemnizing a marriage under this Act and hereby required to register the same, and every Marriage Registrar or Secretary to Government who shall have the custody for the time being of any Register of Marriages, or of any certificate or copies of certificate under this Act, shall at all reasonable times allow searches to be made of any Marriage Register Book, or of any certificate, or duplicate, or copies of certificate in his custody, and shall give a copy under his hand of any entry or entries in the same on the payment of the fees hereinafter mentioned: that is, for every search extending over a period of not more than one year the sum of one Rupee, and four annas additional for every additional year, and the sum of one Rupee for every single certificate.

Appropriation of fees.

XXXVIII. All fees received by a Marriage Registrar or Secretary shall be accounted for and paid over by him to Government, and all fees received by a person solemnizing a marriage not being a Marriage Registrar, may be retained by such person.

Certified copy of entry in Marriage Register, &c., to be received in evidence without further proof.

XXXIX. Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any Marriage Register or certificate or duplicate certificate required to be kept or delivered under this Act, of any entry of a marriage in such Register, or of any such certificate or duplicate certificate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such Register or certificate, or duplicate copy, or of any entry therein respectively, or of such copy.

This part not to apply to Registers or certificates of certain marriages solemnized by Marriage Registrars.

XL. Nothing contained in this Part of this Act shall apply to the Register or certificate of any marriage solemnized under the said Statute 14 and 15 Vic, cap. 40, or the said Act V of 1852 of the Governor-General of India in Council.

PART V.

As to the Marriage of certain Native Christians.

Provision for marriages of certain Native Christians.

XLI. And whereas it is expedient to make provision for the marriage of certain Native Christians to whom the provisions of the said Statute 14 and 15 Vic, cap. 40, and the said Act V of 1852 of the Governor-General of India in Council are found not to be suitable, it shall be lawful for the local Government of any Presidency or place, or the Chief Commissioner of any Province, to issue a license to any person, authorizing him to grant certificates of marriage between Native Christians, being converts from any religion in India.

No notice or certificate necessary before marriage, but subsequent certificate may be given on certain conditions.

XLII. It shall not be a necessary preliminary to the grant of a certificate by any person licensed under the last preceding Section, that any notice of marriage should have been given by either of the parties to such marriage, or that any certificate should

have been issued of any notice having been given under the provisions of the said Act V of 1852 of the Governor-General of India in Council, or otherwise, and every marriage between Native Christians as aforesaid applying for a certificate under this Part of this Act, shall be certified under this Part of this Act if the following conditions be fulfilled, and not otherwise:

1. The age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years:

2. The man and the woman shall not stand to each other within the prohibited degrees of consanguinity or affinity:

3. Neither of the parties intending to be married shall have a wife or husband still living:

4. In the presence of the person so licensed and of at least two witnesses, each of the parties shall say to the other—

"I call upon these persons here present to witness that I, A. B., in the presence of Almighty God, do take thee, C. D., to be my lawful wedded wife (*or husband*)" or words to the like effect:

5. That such declaration be made between the hours of six in the morning and seven in the evening.

On marriage being duly performed, licensed person to grant a certificate thereof.

XLIII. When in respect to any marriage falling under this Part of this Act, the conditions prescribed in the last preceding Section shall have been fulfilled, it shall be the duty of the person licensed as aforesaid in whose presence the said declaration shall have been made to grant a certificate of such marriage on the application of either of the parties to such marriage on the payment of a fee of four annas. Such certificate shall be signed by such licensed person, and shall be received as conclusive evidence of such marriage having been performed, in any suit touching the validity of such marriage, and no evidence to prove the contrary shall be received in any such suit.

Licenses may be revoked.

XLIV. The local Government, or the Chief Commissioner, may at any time revoke any license granted by such Government or Chief Commissioner under Section XLI of this Act.

Grant or revocation of license to be notified in the Gazette.

XLV. The grant or revocation of any license under Sections XLI and XLIV respectively of this Act shall be notified in the Official Gazette.

Marriages performed under the provisions of Section XLII to be good and valid.

XLVI. All marriages performed between Native Christians as aforesaid, in accordance with the provisions of Section XLII of this Act, shall be good and valid to all intents and purposes.

Register Book to be kept.

XLVII. A Register Book of all marriages of which certificates shall be granted under Section XLIII of this Act, shall be kept by the person granting such certificates in his own vernacular language. Such Register Book shall be kept according to such form as the local Government shall from time to time prescribe, and true extracts therefrom duly authenticated shall be deposited at such places and at such times as the local Government shall direct.

Searches to be allowed in the Register Book.

XLVIII. Every person licensed under this Act to grant certificates of marriage and who shall have the custody of a Marriage Register Book under the last preceding Section, shall at all reasonable times allow search to be made in such Book in his custody, and shall give a copy certified under his hand of any entry or entries in the same on the payment of the fees hereinafter mentioned: that is to say—for every search extending over a period not exceeding two years the sum of eight annas, and two annas additional for every additional year.

PART VI.

As to Penalties.

Punishment for false oath, declaration, notice, or certificate, for procuring marriage.

XLIX. Whoever intentionally makes any false oath or declaration or signs any false notice or certificate required by the said Statute 14 and 15 Vic, cap. 40, or the said Act V of 1852 of the Governor-General of India in Council, or by this Act, for the purpose of procuring any marriage, shall be guilty of the offence described in Section 193 of the Indian Penal Code, and on conviction shall be liable to the punishment prescribed in that Section.

Punishment for forbidding the issue of a Marriage Registrar's certificate by false representation.

L. Whoever forbids the issue by a Marriage Registrar of a certificate, by falsely representing himself or herself to be a person whose consent to the marriage is required by law, knowing such representation to be false, shall be guilty of the offence described in Section 205 of the Indian Penal Code, and shall on conviction be liable to the punishment prescribed in that Section.

Punishment for a person, not duly authorized, solemnizing a marriage.

LI. Whoever, not being authorized under Section II of this Act to solemnize a marriage shall, on or after the first day of July 1864, knowingly and wilfully solemnize a marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, in the absence of a Marriage Registrar of the District in which such marriage is solemnized, shall be punished with imprisonment of either description as defined in the Indian Penal Code, which may extend to ten years, and shall also be liable to fine, or in lieu of a sentence of imprisonment for seven years or upwards, to transportation for a term of not less than seven years and not exceeding ten years; or if the offender be an European or American, to penal servitude according to the provisions of Act XXIV of 1855 (*to substitute penal servitude for the punishment of transportation in respect of European and American Convicts, and to amend the law relating to the removal of such Convicts.*)

Punishment for solemnizing a marriage at an unauthorized hour, &c.

LII. Whoever shall, from and after the first day of July 1864 knowingly and wilfully solemnize a marriage between persons, one or both of whom shall

be a person or persons professing the Christian Religion, at any time otherwise than between the hours of six in the morning and seven in the evening, or in the absence of at least two witnesses, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to three years, and shall also be liable to fine. But the provisions of this Section shall not apply to marriages solemnized under special licenses granted by the Bishop of the Diocese or by his Commissary.

Punishment for solemnizing marriage when either party is under age, before expiry of fourteen days after notice.

LIII. Any Minister of Religion licensed to solemnize marriages under this Act who shall knowingly and wilfully solemnize a marriage when one of the parties to such marriage, not being a widower or widow, is under twenty-one years of age, within fourteen days after the receipt by him of notice of such marriage, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to three years, and shall also be liable to fine. But the provisions of this Section shall not apply to marriages solemnized between Native Christians under the provisions of Part V of this Act.

Punishment for Registrars issuing certificates, or solemnizing marriages without publication of notice, &c.

LIV. Whoever, being a Marriage Registrar appointed under the provisions of the said Act V of 1852 of the Governor-General of India in Council, shall knowingly and wilfully issue any certificate for marriage, or solemnize any marriage under the said Act V of 1852, without publishing or affixing in some conspicuous place the notice of such marriage as directed by the said Act, or after expiration of two calendar months after a certificate in respect of a marriage shall have been issued by him shall solemnize such marriage, or shall, without an order of a competent Court authorizing him to do so, solemnize any marriage when one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, before the expiration of fourteen days after the receipt of such notice as is required by the said Act, or without sending or causing to be sent by the Post or otherwise a copy of such notice of marriage to the Marriage Registrar of the District, or, if there be more marriage Registrars than one, to the Senior Marriage Registrar of the District, or shall issue any certificate, the issue of which shall have been prohibited as in this Act provided by any person authorized to prohibit the issue thereof, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to five years, and shall also be liable to fine.

Punishment for persons authorized under this Act, solemnizing marriages without publication of notices, &c.

LV. Whoever, being a person authorized under the provisions of this Act to solemnize a marriage, and not being a clergyman of the Church of England solemnizing a marriage after due publication of Banns or under a license from the Bishop of the Diocese or a Surrogate duly authorized in that behalf, or not being a Clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies, and customs of that Church, shall knowingly and wilfully issue any certificate for marriage under this Act, or solemnize any marriage between such persons as aforesaid, without publishing or causing to be affixed the notice of such marriage as directed in Part II of this Act, or after the expiration of two calendar months after the certificate shall have been issued by him, or shall knowingly and wilfully issue any certificate for marriage, or solemnize a marriage between such persons, when one of the persons intending marriage, not being a widower or widow, is under twenty-one years of age, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending or causing to be sent by the Post or otherwise a copy of such notice to the Marriage Registrar, or if there be more Marriage Registrars than one to the senior Marriage Registrar of the District, or shall knowingly and wilfully issue any certificate, the issue of which shall have been forbidden under this Act, by any person authorized to forbid the issue, or shall knowingly and wilfully solemnize any marriage which shall have been forbidden by any person authorized to forbid the same, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to four years, and shall also be liable to fine.

Punishment for unlicensed person granting certificate of marriage under Part V.

LVI. Whoever, not being licensed to grant a certificate of marriage under Part V of this Act, shall grant such certificate intending thereby to make it appear that he is so licensed, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to five years, and shall also be liable to fine.

Punishment for making false entries.

LVII. Whoever shall wilfully insert or cause to be inserted any false entry in any such Register Book, or such authenticated extract therefrom as is mentioned in Section XLVII of this Act, shall be liable to the punishment prescribed by Section 193 of the Indian Penal Code.

Jurisdiction.

LVIII. Offences punishable under this Act shall be tried under the provisions of the Code of Criminal Procedure by the Court of Session as defined in the said Code of Criminal Procedure; provided that no European British subject shall be liable to be tried for any offence punishable under this Act except by one of Her Majesty's High Courts of Judicature in India. In cases beyond the limits of the Presidency Towns of Calcutta, Madras, and Bombay, charges against European British subjects for any offence under this Act shall be investigated, and the committal for trial shall be made, under the provisions of Sections 39, 40, and 41 of the Code of Criminal Procedure, and the trial of European British subjects under this Act by any of the said High Courts shall be under the procedure by which the proceedings of the said High Courts are regulated.

Code of Criminal Procedure applicable to investigations and committals under this Act.

LIX. Except as provided in the last preceeding Section, the provisions of the Code of Criminal Procedure shall apply to the investigation and committal in all cases of charges under this Act. Provided

that a summons shall ordinarily issue in the first instance, and provided also that offences punishable under this Act shall be bailable.

Meaning of "Church of England."

LX. The words "Church of England," wherever used in this Act, shall mean the United Church of England and Ireland as by law established:

"Church of Scotland."

The words "Church of Scotland," wherever used in this Act, shall mean the Church of Scotland as by law established.

Operation of Act.

LXI. This Act shall come into operation on the first day of July 1864.

SCHEDULE (A)—(See Section VI).

NOTICE OF MARRIAGE.

To *the Rev. John Brown*, a Minister of the *Free Church of Scotland, at Calcutta.*

I hereby give you notice, that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say),

NAME.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, or place of worship, in which the marriage is to be solemnized.	District in which the other party resides when the parties dwell in different Districts.
James Smith.	*Widower.*	*Carpenter.*	*Of full age.*	*16, Clive Street.*	*23 days.*	*Free Church of Scotland Church, Calcutta.*	
Martha Green.	*Spinster.*	.....	*Minor.*	*20, Hastings' Street.*	*More than a month.*		

Witness my hand, this *sixth* day of *July, one thousand eight hundred and sixty-four.*

(Signed) JAMES SMITH.

(The *Italics* in this Schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another District.)

SCHEDULE (B)—(See Section XX).

Registrar's Certificate.

I, *the Reverend John Brown, a Minister of the Free Church of Scotland at Calcutta in Bengal*, do hereby certify, that on the *sixth* day of *July* 1864, notice was duly entered in my Marriage Notice Book of the marriage intended between the parties therein named and described, delivered under the hand of *James Smith*, one of the parties (that is to say),

	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, or place of worship, in which the marriage is to be solemnized.	District in which the other party resides when the parties dwell in different Districts.
James Smith.	*Widower.*	*Carpenter.*	*Of full age.*	*16, Clive Street.*	*23 days.*	*Free Church of Scotland Church, Calcutta.*	
Martha Green.	*Spinster.*	.....	*Minor.*	*20, Hastings' Street.*	*More than a month.*		

and that the declaration required by Section XV of this Act has been duly made by the said (*James Smith*)

Date of notice entered *sixth July* 1864.
Date of certificate given *twentieth July* 1864.
} The issue of this Certificate has not been prohibited by any person authorized to forbid the issue thereof.

Witness my hand, this *Twentieth* day of *July one thousand eight hundred and sixty-four.*

(Signed) JOHN BROWN,

Minister of the Free Church of Scotland.

This certificate will be void unless the marriage is solemnized on or before the *twentieth* day of *September* 1864.

(The *Italics* in the Schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another District).

SCHEDULE (C)—(See Section XXVI).

Form of Register of Marriages.

Quarterly Returns

of

MARRIAGES,

for

The Archdeaconry of ... { *Calcutta,* *Madras,* *Bombay.*

I, Registrar of the Archdeaconry of { *Calcutta,* *Madras,* *Bombay,* do hereb Certify, that the annexed are correct Copies of the Original and Official Quarterly Returns of Marriag within the Archdeaconry of { *Calcutta,* *Madras,* *Bombay,* as made and transmitted to me for the Quarter commencing th *First* day of *January* ending the *Thirty-first* day of *March,* in the Year of Our Lord One Thousand Eigh Hundred and Sixty-four.

(*Signature of Registrar*)

Registrar of the Archdeaconry of ... { *Calcutta,* *Madras,* *Bombay,*

MARRIAGES solemnized at... { *Allahabad,* *Barrackpore,* *Bareilly,* *Calcutta, &c., &c.*

When Married.	Names of Parties.		Age.	Condition.	Rank or Profession.	Residence at the time of marriage.	Father's Name and Surname.	By Banns or License.	Names of Witnesses Present.	By whom Married.
	Christian.	Surname.								
1864, 14th July	*William John*	*Hastings*	...	*Bachelor*	*Upholsterer*	*Hastings' Street*	*Peter Hastings*	*Banns*	*John Thomas Green, Thomas Hastings, Willm. Geo. Mitchell, Harriet Eliza Mitchell,*	*Henry Fish Senior Chapl*
	Sophia Ann.	*Mitchell*	...	*Spinster*	.....	*Lower Circular Road*	*Geoffry Mitchell*			

SCHEDULE (D)—(See Section XXIX).

MARRIAGE REGISTER BOOK.

No.	When Married. Day	Month	Year	Name of Parties. Christian	Surname	Age	Condition	Rank or Profession	Residence at the time of marriage	Father's Name and Surname
1	26th	July	1864	James ... Martha...	White ... Duncan...	26 years 17 years	Widower.. Spinster ..	Carpenter ...	Agra Agra	William White... John Duncan ...

Married in the Free Church of Scotland Church, Agra.

John Young, Minister of the Free Church of Scotland.

This Marriage was solemnized between us { *James White*, *Martha Duncan*, } in the presence of us, { John Smith. John Green. }

CERTIFICATE OF MARRIAGE.

No.	When Married. Day	Month	Year	Name of Parties. Christian	Surname	Age	Condition	Rank or Profession	Residence at the time of marriage	Father's name and Surname
1	26th	July	1864	James ... Martha...	White ... Duncan...	26 years 17 years	Widower.. Spinster...	Carpenter ...	Agra Agra	William White. John Duncan.

Married in the Free Church of Scotland Church, Agra.

John Young, Minister of the Free Church of Scotland.

This Mariage was solemnized between us { *James White*, *Martha Duncan*, } in the presence of us, { John Smith. John Green. }

C. BOULNOIS,
Offg. Depy. Secy. to Govt. of India, Home Dept.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 14th April 1864, and is hereby promulgated for general information :—

ACT No. XXVI OF 1864.

An Act to extend the jurisdiction of the Courts of Small Causes at Calcutta, Madras, and Bombay, and to provide for the appointment of an increased number of Judges of those Courts.

Preamble.

Whereas it is expedient to increase the limit of the jurisdiction of the Courts of Small Causes held under Act IX of 1850 *(for the more easy recovery of small debts and demands in Calcutta, Madras, and Bombay)*, and to increase the number of Judges of the said Courts: It is enacted as follows :—

Interpretation.

I. The words "Local Government" and "High Court" as used in this Act, shall bear respectively the same meaning as the words "Governor in Council" and "Supreme Court," as used in the said Act IX of 1850.

The Small Cause Courts may take cognizance of suits for sums not exceeding one thousand Rupees.

II. The jurisdiction of the Courts held or to be held under the said Act IX of 1850 shall extend to the recovery of any debt, damage, or demand exceeding the sum of five hundred Rupees but not exceeding the sum of one thousand Rupees, and to all actions in respect thereof (except the several actions specified in the proviso in Section XXV of the same Act), provided that the cause of action shall have arisen or the defendant at the time of bringing the action shall dwell or carry on business or personally work for gain within the local limits of the jurisdiction of the Court.

The Small Cause Court may take cognizance of suits for sums exceeding one thousand Rupees if the parties consent.

III. If both parties shall agree by a Memoradum signed by them or by their Attornies and filed with the Clerk of the Court of Small Causes, that the said Court shall have power to try any action (not included in the proviso in Section XXV of Act IX of 1850), in which the debt or damage claimed or value of the property in dispute whether on balance of account or otherwise shall exceed the sum of one thousand Rupees, then and in such case the said Court shall have jurisdiction to try such action.

Powers and provisions of Act VII of 1847 extended to recovery of arrears of rent not exceeding one thousand Rupees, and Calcutta Court of Small Causes empowered to exercise extended powers.

IV. The powers and provisions of Act VII of 1847 *(to regulate distresses for small rents in Calcutta)* shall be extended to the recovery of all arrears of rent not exceeding one thousand Rupees, and the Judges of the Calcutta Court of Small Causes under Act IX of 1850 shall be empowered to exercise within their jurisdiction the extended powers of the said Act VII of 1847: and the said Act shall be construed as if, instead of Calcutta and the Settlement of Fort William in Bengal, the limits of the jurisdiction of the Court had been therein mentioned, and the Judges of the Calcutta Court of Small Causes under Act IX of 1850 instead of the Commissioners of the Court therein mentioned, and the amount of one thousand Rupees instead of one hundred Rupees, and the forms

contained in the Schedule annexed to the said Act VII of 1847 shall be altered accordingly, and shall refer to Act IX of 1850 and to this Act instead of to Act VII of 1847.

Powers and provisions of Section XCI Act IX of 1850 extended to cases not exceeding one thousand Rupees.

V. The powers and provisions of Section XCI of Act IX of 1850 are hereby extended so as to apply to the case of any person who shall hold or occupy any house, land, or tenement of which the value or the rent payable in respect thereof does not exceed the rate of one thousand Rupees by the year, and the said Section XCI of Act IX of 1850 shall be read as if the words "five hundred" were omitted, and the words "one thousand" substituted for them.

Powers and provisions of Act IX of 1850, and all rules, &c., made in pursuance thereof extended to debts, damages, and demands exceeding five hundred Rupees.

VI. The several powers and provisions of the said Act and all rules, orders, and regulations which have been or may be made in pursuance of the said Act, shall extend to all debts, damages, and demands which may be sued for in the said Courts exceeding the sum of five hundred Rupees, and to all proceedings and judgments for the recovery of the same, or otherwise in relation thereto respectively, as fully and effectually, to all intents and purposes, as the same respectively are now or may be applicable to debts, damages, and demands within the present jurisdiction of the said Courts.

In causes for an amount exceeding five hundred Rupees, Judges shall reserve case for opinion of High Court when they have doubts themselves, or when either of the parties require them to do so.

VII. In any cause of an amount exceeding five hundred Rupees, the Judges of the said Courts of Small Causes shall reserve any question of law or equity or any question as to the admission or rejection of any evidence as to which they shall entertain any doubts, or which they shall be requested by either party to the suit to reserve, for the opinion of the High Court, and shall give judgment contingent upon the opinion of the said High Court, on a case which they shall thereupon be entitled to state to the said Court. If only two Judges sit together and shall differ in opinion, the question on which they differ shall be so reserved.

Security to be given in certain cases when case is reserved.

VIII. When judgment is given contingent upon the opinion of the High Court, the party against whom such judgment is given shall, unless he be willing to submit to such judgment, forthwith give security to be approved by the Clerk of the Court, for the costs of the reference to the High Court and for the amount of the judgment; provided nevertheless, that such security, so far as regards the amount of the judgment, shall not be required in any case where the Judge of the Court of Small Causes who tried the suit shall have ordered the defendant to pay the amount of such judgment into the hands of the Clerk of the said Court and the same shall have been paid accordingly; and the said High Court may either order a new trial on such terms as it thinks fit, or may order judgment to be entered for either party as the case may be, and may make such order with respect to the costs of reserving the question and stating the same for their opinion, and otherwise arising thereout or connected therewith, as such High Court may think proper. And all orders made by the High Court under this Section shall be final.

Costs of sending up the case to be at the discretion of the High Court.

No costs in cases brought in the High Court when verdict is for less than one thousand Rupees unless Judge certifies, &c.

IX. If any action shall after the passing of this Act be commenced in the High Court, for any cause other than those specified in Section C of Act IX of 1850, for which a summons might have been taken out from a Court held under the said Act IX of 1850 or under this Act, and in which such Court would have had jurisdiction, and if a verdict shall be found for the plaintiff for a sum less than one thousand Rupees if the said action is founded on contract, or less than three hundred Rupees if it is founded on wrong, the plaintiff shall have judgment to recover such sum only and no costs, and if a verdict shall not be found for the plaintiff, the defendant shall be entitled to his costs as between attorney and client, unless in either case the Judge who shall try the case shall certify that by reason of the difficulty, novelty, or general importance of the case, or of some erroneous course of decisions in like cases in the Court of Small Causes, the action was fit to be brought in the High Court.

In suit in High Court against Officer of Court, if no verdit for more than one thousand Rupees, no costs allowed unless Judge shall certify.

X. If any person shall bring any suit in the High Court in respect of any grievance committed by the Clerk, Bailiff, or Officer of any Court held under Act IX of 1850 or under this Act, or under color or pretence of the process of the said Court, and upon the trial of the action no greater damages shall be found for the plaintiff than the sum of one thousand rupees, no cost shall be awarded to the plaintiff in such action unless the Judge shall certify in Court that the action was fit to be brought in the High Court.

Fees payable to the Courts of Small Causes in suits under this Act.

XI. There shall be payable in the Court of Small Causes at Calcutta, Madras, and Bombay respectively, in every cause of an amount to which jurisdiction is given to the said Court by this Act, the fees set forth in the Schedule hereto annexed, besides the sum of two annas in each Rupee of the amount sued for, so far as such amount does not exceed five hundred Rupees, and one anna in the Rupee so far as such amount exceeds five hundred Rupees, which fee shall be paid over to the same account as that to which the fees payable under Section XIX of Act IX of 1850 are paid over.

Government may appoint as many Judges as may be necessary.

XII. Whereas by Section VIII of the said Act IX of 1850, provision is made for the appointment of so many persons as may be necessary not exceeding three, to be Judges of the said Courts of Small Causes respectively, it is hereby enacted that it shall be lawful for the local Government with the previous sanction of the Governor-General of India in Council, to appoint as many persons as may be necessary to be Judges of the said Courts respectively.

Fees payable to Barristers and Attornies in suits tried under this Act.

XIII. The fees to be taken by Barristers at Law and Attornies practising in the said Courts in cases brought within the jurisdiction given by this

Act, shall be as follows:—an Attorney shall be entitled to have or recover a sum not exceeding fifty-one Rupees for his fees and costs, and in no case shall any fee exceeding eighty-five Rupees be allowed for employing a Barrister as Counsel in the cause. The expense of employing a Barrister or an Attorney, or both a Barrister and an Attorney, either by plaintiff or defendant, shall not be allowed as costs, unless by order of the Judge, and the Judges of the said Court shall determine in what cases such expenses shall be so allowed.

One of the Judges appointed under Act IX of 1850 to be styled First Judge; and to arrange the distribution of business among the other Judges.

XIV. Of the Judges appointed under Section VIII of the said Act IX of 1850, the one who is a Barrister at law or Advocate of one of the High Courts of India or of the Court of Session of Scotland shall be styled the First Judge. The First Judge shall make some arrangements as he shall think fit, with regard to the distribution of the suits and of the general business of the Court among the various Judges thereof: and he may vary such arrangements from time to time.

Code of Civil Procedure may be extended in certain cases to Small Cause Courts.

XV. The Local Government may, with the sanction of the Governor-General of India in Council, declare that the whole or any part or parts of the Code of Civil Procedure shall be applicable to any Court held under Act IX of 1850 or under this Act: and the procedure prescribed in the said Code or the part or parts thereof so declared to be applicable shall thereupon be the procedure followed in such Court: Provided that no right of appeal or review shall in any case be given by any declaration made under this Section.

This Act to be read as part of Act IX of 1850.

XVI. This Act and the said Act IX of 1850 shall be read and construed as one Act, as if the several provisions in the said Act contained, not inconsistent with the provisions of this Act, were repealed and re-enacted in this Act.

SCHEDULE OF FEES.

Sums not above	Every Summons or Subpœna.		Warrant.	
Rs.	Rs.	As.	Rs.	As.
600	2	4	6	0
700	2	8	7	0
800	2	12	8	0
900	3	0	9	0
1,000	3	4	10	0

C. BOULNOIS,
Offg. Depy. Secy. to the Govt. of India, Home Dept.

HOME DEPARTMENT.

No. 3211.

Fort William, the 21st April 1864.

Notifications.—Mr. J. W. S. Wyllie and Mr. A. P. Howell, respectively, delivered over and received charge of the Office of Under Secretary to the Government of India in the Home Department on the afternoon of this day.

No. 3212.

The 22nd April 1864.

The services of Mr. J. W. Sherer are replaced at the disposal of the Government of the North-Western Provinces.

No. 3213.

The 23rd April 1864.

The Hon'ble L. S. Jackson, Puisne Judge of the High Court, has reported his departure for England by the Steam Ship "Bengal," which vessel was left by the Pilot at sea at 4 P. M. on the 13th instant.

No. 3214.

The undermentioned Officers of Police, in the Central Provinces, have passed an examination in the Standard prescribed for Police Officers:—

Captain T. E. L. Higginson,
District Superintendent of Police.

Lieutenant J. D. Vallance,
District Superintendent of Police.

No. 3215.

The 29th April 1864.

The Right Hon'ble the Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William, Mr. H. C. Richardson, of the Civil Service, who returned from furlough on the 27th instant.

ARTHUR HOWELL,
Offg. Under Secy. to the Govt. of India.

No. 7.

Simla, the 29th April 1864.

Notifications.—His Excellency the Viceroy and Governor General has been pleased to appoint Lieutenant W. C. Anderson, 2nd Punjab Cavalry, to be Aide-de-Camp on His Excellency's Personal Staff from the 23rd instant, vice Captain Baring.

No. 8.

Lieutenant H. A. G. Remington, appointed Assistant Superintendent of Police by orders dated 22nd February last, reported his arrival on the 6th instant, and has been posted to Fyzabad.

No. 9.

Lieutenant E. B. Ward, District Superintendent of Police, Baraitch, returned, on the 16th instant, from the six weeks' privilege leave granted him under date the 7th ultimo.

E. C. BAYLEY,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, 29th April 1864.

No. 361 *of* 1864.—Captain George Frederick Frank Vincent, of the late 30th Regiment Native Infantry, is permitted to proceed to sea and the Neilgherry Hills on medical certificate, and to be absent from Bengal on that account for 8 months, under the old Regulations.

No. 362 *of* 1864.—Captain (Brevet Major) J. J. H. Gordon, of Her Majesty's 46th Foot, Commanding 29th (Punjab) Regiment Native Infantry, is allowed leave to England on medical certificate, to appear before a Medical Board under the new Regulations.

No. 363 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Assistant Surgeon Henry Thom, M. D., of the Medical Department, Civil Assistant Surgeon, Goordaspore, Punjab.	For 20 months, under the new Regulations.

No. 364 *of* 1864.—The services of Lieutenant J. C. Doveton, of the 1st Regiment Madras Native Infantry, are placed at the disposal of the Public Works Department.

No. 365 *of* 1864.—The services of Lieutenant H. C. Creak, late 4th European Light Cavalry, Doing-duty Officer, 1st Bengal Cavalry, are placed at the disposal of the Public Works Department.

No. 366 *of* 1864.—The services of Cornet C. B. Horsbrugh, of the General List, Cavalry, Doing-duty Officer, 12th Bengal Cavalry, are placed at the disposal of the Foreign Department.

No. 367 *of* 1864.—Deputy Assistant Commissary William Haslam, of the Ordnance Commissariat Department, having been reported to be unfit for further active service, is transferred to the Pension Establishment, with permission to reside and draw his stipend in India.

No. 368 *of* 1864.—Lieutenant Richard Hudson Dyas, of the late 4th European Regiment, is permitted to proceed to Bangalore on medical certificate, and to be absent from Bengal on that account for six months, under the new Regulations.

No. 369 *of* 1864.—At the recommendation of His Excellency the Commander-in-Chief, grounded on the long and meritorious services of the undermentioned Native Officer, His Excellency the Governor General in Council is pleased to sanction the Brevet pay of his rank being continued to him with effect from the date of his transfer to the Invalid Pension Establishment :—

Subadar Major Peerbux Khan, "Sirdar Bahadoor," late of the 10th Regiment Native Infantry.

No. 370 *of* 1864.—The undermentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Assistant Surgeon Joseph Ewart, M. D., of the Medical Department, Professor in the Medical College.	For 20 months, under the new Regulations.
Lieutenant John Boulton Brander, of the late 37th Regiment Native Infantry.	For 18 months, under the new Regulations.

No. 371 *of* 1864.—The services of Lieutenant Hedayut Ali, of the 45th Regiment Native Infantry (Rattray's Sikhs), are placed at the disposal of the Government of Bengal.

No. 372 *of* 1864.—Captain Henry Muirson Caulfeild, of the late 4th European Light Cavalry, is permitted to proceed to Rangoon, Moulmein, Akyab, and British Burmah, on private affairs, and to be absent from Bengal on that account from the 15th instant to the 15th October next, under the new Regulations.

No. 373 *of* 1864.—The undermentioned Officer has reported his return from England :—

	Date of arrival at Fort William.
Captain R. Maxwell, of the late 35th Regiment Native Infantry.	26th Dec. 1863.

No. 374 *of* 1864.—The undermentioned individual of Her Majesty's Service is permitted to reside and draw his pay in India as an out-pensioner of Chelsea Hospital, according to the 23rd Clause of the Royal Warrant of the 1st July 1848, pending a reference to the Home Authorities as to the amount of his pension :—

Bombardier Francis Thompson, of No. 1 Battery, 24th Brigade, Royal Artillery.

No. 375 *of* 1864.—In order to prevent any misapprehension on the subject, it is hereby notified that the allowance of Rupees twenty for an Indian Kit, authorized* to be paid, in addition to the fixed English rate of Kit money, to a time-expired Soldier on re-enlistment, is not admissible to a Soldier who re-enlists in India after his Regiment is placed under orders for England.

* See Govt. Genl. Order No. 634, dated 16th June 1862.

No. 376 *of* 1864.—The undermentioned Non-Commissioned Officer and Men are admitted to pension, as specified opposite to their respective names :—

Sergeant Patrick Reilly, of the Bengal Sappers and Miners.	Rupees 30 (thirty) per mensem, payable in India.
Trumpeter Edward McHugh, of the Artillery Company European Invalid Battalion.	Equivalent to 1*s.* (one shilling) per diem, payable in India.
Gunner Daniel Bowers, of the Artillery Company European Invalid Battalion.	1*s.* (one shilling) per diem, payable in Europe.

No. 377 *of* 1864.—The following promotions are made in the Warrant grade :—

Ordnance Commissariat Department.

Supernumerary Sub-Conductor John Connors, employed in the Cossipore Foundry, to be a Supernumerary Conductor.

Sub-Conductor John Bateman to be Conductor, from the 10th March 1864, in room of Conductor D. McKay, pensioned.

No. 378 *of* 1864.—The undermentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Captain A. W. Owen, of the Bengal Staff Corps, Executive Engineer, Allahabad Division, Department of Public Works, on leave for six months, Government General Order No. 166 of the 29th February 1864.	"Erymanthe," 4th March 1864.
Lieutenant R. C. Hutchinson, of the General List, Madras Army, 3rd Squadron Officer, 1st Punjab Cavalry, on leave for twenty months, Bombay General Order No. 125, of the 11th March 1864.	"Salsette," 14th March 1864, from Bombay.
Assistant Surgeon D. B. Daly, M. D., of the Medical Department, Officiating Civil, Mynpoorie, on leave for twenty months, Government General Order No. 239 of the 18th March 1864.	"Roslin Castle," 27th March 1864.
Lieutenant F. W. MacMullen, of the General List, Cavalry, on leave for twelve months, Government General Order No. 282 of the 29th March 1864.	"Alphee," 4th April 1864.
Captain D. Standen, of the Madras Staff Corps, on leave for twelve months, Government General Order No. 242 of the 19th March 1864.	"Lady Melville," 9th April 1864.
Major G. E. Holmes, of the Bengal Staff Corps, Assistant Adjutant General, on leave for twenty months, Government General Order No. 290 of the 31st March 1864. Major T. A. Corbett, of the Bengal Staff Corps, Officiating Deputy Commissioner, Jaloun, on leave for twenty months, Government General Order No. 304 of the 4th April 1864.	"Bengal," 13th April 1864.
Captain (Brevet Major) J. B. Thelwall, C. B., of the Bengal Staff Corps, Commandant, 21st (Punjab) Regiment Native Infantry, on leave for twenty months, Government General Order No. 316 of the 7th April 1864. Captain J. Havelock, of the Bombay Staff Corps, Assistant Commissioner, Punjaub, on leave for eighteen months, Government General Order No. 296 of the 1st April 1864. Captain C. K. M. Walter, of the Bengal Staff Corps, Political Agent, Bhurtpore, on furlough for six months, Government General Order No. 275 of the 29th March 1864. Captain H. Fraser, of the 3rd Madras Light Cavalry, District Superintendent of Police, Central Provinces, on leave for twenty months, Government General Order No. 283 of the 31st March 1864. Lieutenant F. D. Harington, of the late 12th Regiment Native Infantry, Assistant Commissioner in the Punjab, on leave for fifteen months, Government General Order No. 213 of the 10th March 1864. Lieutenant D. C. S. L. Carnegie, of the late 4th European Light Cavalry, on leave for twenty months, Government General Order No. 262 of the 26th March 1864. Lieutenant C. H. Grace, of the Madras Staff Corps, Assistant Commissioner, Central Provinces, on leave for twenty months, Government General Order No. 283 of the 31st March 1864. Surgeon Major E. Goodeve, M. B., of the Medical Department, Professor of Medicine, Medical College, on leave for twenty months, Government General Order No. 242 of the 19th March 1864. Assistant Surgeon J. J. McDermott, M. D., of the Medical Department, on leave for eight months, Government General Order No. 296 of the 1st April 1864.	"Bengal," 13th April 1864.

Assistant Surgeon R. Fryer, of the Medical Department, Officiating Civil Assistant Surgeon, Bancoorah, on leave for twenty months, Government General Order No. 316 of the 7th April 1864.	"Bengal," 13th April 1864.
Captain G. C. Lloyd, of the late 56th Regiment Native Infantry, Wing Officer of the 43rd (Assam) Regiment Light Infantry, on leave for two years, Government General Order No. 339 of the 15th April 1864.	"Pembroke Castle," 23rd April 1864.
Surgeon Major J. Macpherson, M. D., of the Medical Department, Presidency Surgeon, on leave for twenty months, Government General Order No. 316 of the 7th April 1864.	
Lieutenant A. D. Phelps, of the 43rd Regiment Madras Native Infantry, on leave for fifteen months, Government General Order No. 358 of the 15th April 1864.	
Assistant Surgeon J. Elliot, M. D., of the Medical Department, Civil Assistant Surgeon of Hooghly, on furlough for two years, Government General Order No. 301 of the 2nd April 1864.	"Golconda," 24th April 1864.
Assistant Surgeon H. Thom, M. D., of the Medical Department, Civil Assistant Surgeon, Goordaspore, Punjab, on leave for twenty months, Government General Order No. 363 of the 29th April 1864.	

No. 379 *of* 1864.—The undermentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Major Clements Thomas Hallett, of the Bengal Staff Corps, District Superintendent of Police, Allyghur.	For 20 months.
Surgeon Major Thomas Saumarez Lacy, of the Medical Department, Garrison Surgeon, Agra.	For 20 months, under the new Regulations.
Captain Theodore Walter Ross Boisragon, of the Bengal Staff Corps, Commanding 30th (Punjab) Regiment Native Infantry.	For 20 months.

No. 380 *of* 1864.—The undermentioned Officer having completed twenty-six years' service, eight years of which were on permanent Staff employ, to be Lieutenant Colonel, from the date specified opposite to his name, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Major T. F. Wilson, C. B., 24th April 1864.

No. 381 *of* 1864.—The undermentioned Officer having completed twenty years' service, six years of which were on permanent Staff employ, to be Major, from the date specified opposite to his name under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Captain H. L. Campbell, 21st April 1864.

No. 382 *of* 1864.—The following order issued by the Government of Bombay is confirmed :—

No. 183, *dated* 12*th April* 1864.—Granting leave of absence to Europe, on medical certificate, to Lieutenant Colonel J. C. Brooke, of the Bengal Staff Corps, Political Agent, Jeypore.	For 20 months.

No. 383 *of* 1864.—The undermentioned Officers of the Royal Engineers, who have been placed under orders for duty in the Bengal Presidency, reported their arrival on the dates specified below :—

	Date of arrival at Fort William.
Royal Engineers.	
Lieutenant W. H. Collins ...	14th March 1864.
Lieutenant W. A. J. Wallace..	12th April 1864.

No. 384 *of* 1864.—The services of Lieutenant W. A. J. Wallace, of the Royal Engineers, are placed temporarily at the disposal of the Public Works Department.

No. 385 *of* 1864.—The following promotions are made in the undermentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
18th Regt. N. I. -	Havildar Byjnath Tewaree.	Jemadar	1st March 1862	Bundah Ali Khan, invalided.
19th Bengal Cavy.	Naib Ressaldar Issoree Singh.	Ressaidar	1st Jan. 1862	To complete the Establishment.
Ditto	Ditto Sohail Singh	Ditto	Ditto	
Ditto	Naib Ressaldar Gunda Singh.	Ressaidar and Woordie Major	Ditto	Jchangeer Khan, resigned.

No. 386 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe on furlough, on private affairs:—

Lieutenant (Brevet Captain) Charles Armstrong, of the late 10th Regiment Native Infantry, Wing Officer, 14th (the Ferozepore) Regiment Native Infantry.	For 3 years, under the old Regulations.

No. 387 *of* 1864.—Sub-Conductor John Collins, late of the Army Commissariat Department, having been reported to be unfit for further active service, is transferred to the Pension Establishment, with effect from the 1st May 1862, with permission to reside and draw his stipend in India.

This cancels his retirement, announced in Government General Order No. 489 of the 1st May 1862.

H. W. NORMAN, *Colonel,*
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTICE.

Will be published in the early part of April, under the authority of Government, "a Companion to the Civil Pay Master's Manual," containing a collection of revised Rules applicable to Military Officers in Civil employ, and the new Rules for Leave, Pension, &c., to Uncovenanted Officers, with Appendices.

Price, Rs. 3 a copy, with 2 annas additional for postage to out-station subscribers.

Applications to be addressed to the compiler, Mr. G. W. Bagley, Chief Assistant to the Civil Pay Master, North-Western Provinces, at Allahabad.

NOTICE.

With reference to the Notice issued by the Department, dated the 4th September 1863, relative to the sale of Engraved and Lithographed Maps of the Survey of India, to the Public, it is hereby notified for general information, that all applications for the purchase of Maps on account of private use should in future be made to

MESSRS. THACKER, SPINK, & CO.,
St. Andrew's Library,
Calcutta,

as all money transactions with this Office will be discontinued from the 1st May next.

Official applications for Maps "bonâ fide" on the public service, will, as usual, be attended to on application direct to this Office, and for which payment is not required.

H. L. THUILLIER, *Lieut. Colonel,*
Surveyor General of India.

SURVEYOR GENERAL'S OFFICE,
CALCUTTA,
The 9th April 1864.

WANTED.

Wanted, for the West Berar Suddur Treasury, a Treasurer. Pay Rupees (100) one hundred per mensem. Cash or Government Paper Security to the extent of Rupees (25,000) twenty-five thousand will be required, and a knowledge of Mahratta is indispensable.

Applications, with certificates of character, to be made to the Deputy Commissioner, West Berar, Akolah.

J. T. BUSHBY,
Assistant Commissioner,
in Charge, West Berar.

DEPUTY COMMISSIONER'S OFFICE,
Akolah, 21st March 1864.

BANK OF BENGAL.

Notification.—It is hereby notified that as the present Capital of the Bank is insufficient to meet its requirements, in consequence of the increase of business, principally arising from the establishment of Branches subordinate to the Bank in various parts of the Bengal Presidency, the Directors have determined, under the authority vested in them by Section 6, Act IV of 1862, to increase the Capital from one crore, nine lakhs, ninety thousand, nine hundred and nine Rupees, to two crores and twenty lakhs, by the issue of new Shares or consolidated Stock, under the following conditions:—

1st.—Holders of old Shares will be entitled to claim new Shares at par, in the proportion of one Share for every Share of which they may be registered as Proprietors in the Books of the Bank. Registered Proprietors of consolidated Stock will, in like manner, be entitled to an equivalent amount of new Stock at par.

2nd.—Holders of Shares or Stock, whether in India or elsewhere, shall be allowed, to the 15th day of August 1864, to claim the new issue. All Shares or Stock not claimed by the said date shall be at the disposal of the Directors, who shall cause the same to be sold for the benefit of the Bank, in such manner and at such times as they may deem expedient.

3rd.—Payments in one sum of the amount of Subscription on any whole, half, or quarter Share or Stock, to which any Proprietor may be entitled under this Notification, may be made at any time after the publication thereof. On all such payments prior to the 30th June next, interest will be allowed, at the rate of 8 per cent. per annum, from date of payment to the 30th June; and the Shares or Stock so paid up shall, thenceforward, be entitled to dividend. On all payments made subsequent to the 30th June, interest will similarly be allowed (at the rate of 8 per cent.) until the 31st December following, from which date the Shares or Stock so paid up shall, in like manner, become entitled to dividend.

4th.—The Transfer Books will be closed from the 16th to the 31st of August 1864, inclusive. All Shares or Stock previously subscribed for, but on which the full amount of Capital shall not be paid by the last mentioned date, will lapse to the Bank and will be at the disposal of the Directors, as provided in Clause 2.

By Order of the Directors,
C. N. COOKE,
Offg. Secretary and Treasurer.

12th March 1864.

NOTICE.

Seven (7) packages have been lying in my possession for a considerable period, to the undermentioned address:—

CAPTAIN J. S. D. WHITE,
Commanding Musbee Sappers,
with Saraon Field Division,
Camp Balia Ghat.

If not claimed within one month from date hereof, the contents will be sold to defray expenses.

E. J. EVILLE,
Manager, N. W. Dák Co.,
Lower Divn., Benares.

BENARES, 10*th Feb.* 1864.

POSTAL NOTICE.

The Public are hereby informed that, under an arrangement made by Her Majesty's Post Master General, letters posted in India for Nicaragua will, if marked viâ Southampton, be liable to the following rates of postage:—

	Rs.	A.	P.
Letters not exceeding ½ oz. -	0	11	4
Ditto exceeding ½ oz. and not exceeding 1 oz. - - -	1	6	8
Ditto above 1 oz. and not exceeding 2 oz. - - -	2	13	4
Ditto above 2 oz. and not exceeding 3 oz. - - -	4	4	0

and so on, adding Re. 1-6-8 for each ounce or fraction of an ounce.

Letters for Nicaragua, when sent viâ Marseilles, are liable to the additional French transit rate of 2 annas 8 pie per ½ oz.

A. M. MONTEATH,
In charge of the Office of
Dir. Genl. of the
Post Office of India.

CALCUTTA, 7*th April* 1864.

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H. MABERT.

NOTICE.

Mr. John Christian is authorized to sign our Firm per procuration.

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BENGAL ARMY LIST.

The printing of No. VIII of the *Bengal Official Quarterly Army List,* corrected in the office of the Adjutant General up to the 1st of April 1864, has been commenced, and the volume will be ready about the 10th of May. Price five Rupees *in advance,* and eight annas extra if sent by post.

This No. will contain a Table of Staff Appointments and Allowances, and the Civil Service List.

Of No. VII a larger number of copies than usual was printed, still several of the later applicants could not be supplied. Early application should therefore be made to

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O. T. CUTTER,
Publisher of the
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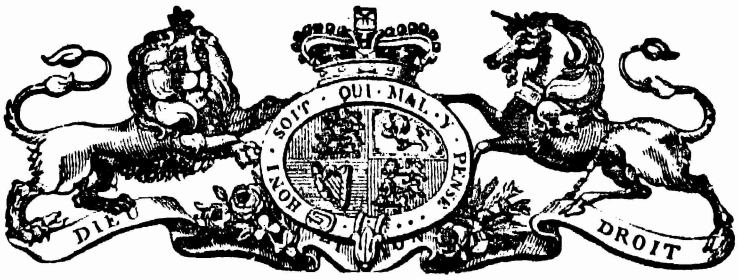
9*th April* 1864.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 18.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MAY 7, 1864.

HOME DEPARTMENT.

No. 3298.

Fort William, the 3rd May 1864.

Notifications.—The Hon'ble H. B. Harington has reported his departure for Europe by the "Golconda," which vessel was left by the Pilot at sea on the 24th ultimo.

No. 3299.

Mr. J. W. S. Wyllie, C. S., has reported his departure for England by the "Golconda," which vessel was left by the Pilot at sea on the 24th ultimo.

No. 3300.

The 5th May 1864.

Mr. A. E. Russell, C. S., has reported his departure for England by the "Bengal," which vessel was left by the Pilot at sea on the 13th ultimo.

No. 3301.

The 6th May 1864.

Leave.—Mr. F. Wright, Assistant Superintendent of Police, West Berar, has obtained two months' privilege leave, from the date on which he may avail himself of the same.

No. 3304.

Notifications.—The Hon'ble Robert James Scott took his seat as an Officiating Puisne Judge of the High Court on the 2nd instant.

No. 3305.

The Right Hon'ble the Governor General in Council is pleased to attach Messrs. T. W. Gribble, W. H. Grimley, and J. W. Tawney, of the Civil Service, reported qualified for the Public Service, to the Bengal Division of the Presidency of Fort William.

No. 3306.

The Governor General in Council is pleased to attach Messrs. W. Irvine, J. H. Lloyd, G. Butt, and A. H. Benton, of the Civil Service, reported qualified for the Public Service, to the N. W. Provinces, the Punjab, and Oudh.

ARTHUR HOWELL,
Offg. Under Secy. to the Govt. of India.

No. 36.

Simla, the 3rd May 1864.

Notifications.—His Excellency the Governor General in Council is pleased to confirm the appointment made by the Officiating Chief Justice, of Mr. F. B. Peacock, of the Bengal Civil Service, to officiate as Registrar of the High Court of Judicature at Fort William in Bengal, in its Appellate Jurisdiction, during the absence, on deputation, of the present Registrar, Mr. H. T. Prinsep, or until further orders.

No. 37.

The Governor General in Council is pleased to permit Mr. H. Rose to resign the Civil Service from 10th September 1863.

No. 38.

The Governor General in Council is pleased to direct the following addition to be made to List No. 1, published under date the 29th September 1854, of parties authorized to send by Post, without actual payment of postage, all letters, packets, or parcels bonâ fide and exclusively on the public service :—

Publisher of the Gazette of India.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

GENERAL.

No. 1.

Simla, the 26th April 1864.

Notification.—On the afternoon of the 15th instant, Major General G. St. P. Lawrence, Agent, Governor General, for the States of Rajpootana, made over charge of the Rajpootana Agency to Lieutenant Colonel E. K. Elliot, Officiating Agent, Governor General, and availed himself of the preparatory leave granted to him in G. O. dated 9th February last, No. 314.

No. 2.

Captain C. K. M. Walter, Political Agent, Bhurtpore, made over charge of his Office to Captain W. Carnell on the 1st April, and availed himself of the leave granted him in G. O. No. 520, dated 29th February.

No. 3.

Assistant Surgeon J. C. Morice, 16th Bengal Cavalry, received medical charge of the Harowtee Political Agency on the 31st March, from Assistant Surgeon A. D. Campbell, M. D., who proceeded on preparatory leave to Bombay.

No. 4.

Lieutenant G. E. Erskine, Assistant Commissioner, Baraitch, in Oudh, who availed himself, on the 2nd March, of the privilege leave for one month granted to him in G. O. No. 396, dated 19th February, rejoined his appointment on the 29th March.

No. 5.

The 28th April 1864.

Mr. R. H. Light, Assistant Superintendent, Canara, is transferred to the Mysore Revenue Survey, with effect from the 15th February last.

No. 7.

Moonshee Huzaree Lall, Extra Assistant Commissioner of Pertabgurh, in Oudh, has obtained privilege leave for one month from the 7th April, or from such subsequent date as he may avail himself of it.

No. 9.

Mr. A. J. Lawrence, appointed to be Settlement Officer in the Chutteesgurh Division, in the Central Provinces, in G. O. dated 13th March last, is transferred to and appointed Settlement Officer of the Bhundara District.

Lieutenant J. Ducat is appointed to officiate as Settlement Officer of Raepore as a temporary arrangement, with effect from the 28th January 1864.

POLITICAL.

No. 3.

The 29th April 1864.

His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. Alexandre Conighi as Provisional Consul for Austria at Singapore.

JUDICIAL.

No. 2.

The 30th April 1864.

Captain C. B. L. Smith, Officiating Deputy Commissioner of Chanda, in the Central Provinces, has been vested with the powers described in Section I of Act XV of 1862.

GENERAL.

No. 20.

Surgeon Major J. Kirkpatrick, M. D., Surgeon to the Mysore Commission, returned to Bangalore, on the 22nd March, from 6 months' leave of absence on private affairs to the Cape of Good Hope, and resumed charge of his duty on the 23rd idem.

No. 21.

Mr. G. L. Lang, Assistant Settlement Officer, Roy Bareilly, in Oudh, availed himself, on the 6th instant, of the two months' privilege leave granted him in G. O. No. 657, dated 14th ultimo.

No. 22.

Mr. P. A. Walker, Extra Assistant Commissioner, Lucknow, availed himself, on the 14th instant, of the three months' privilege leave granted to him in G. O. G. G. No. 791, dated 29th March.

C. U. AITCHISON,
Under Secy. to the Govt. of India.

Quarterly Report for the Quarter ending 31st March 1864.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, and Bengali, held in January 1864.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
1	Walker ...	N. W. P.	10th Oct. 1863	15th Oct. 1863	Passed in Hindi on 9th November 1863.
2	Church ...	Ditto ...	30th Oct. 1863	9th Nov. 1863	Passed in Hindi on 1st December 1863.
3	Kennedy ...	Ditto ...	14th Nov. 1863	17th Nov. 1863	Not passed in any language.
4	Jardine ...	Ditto ...	14th Nov. 1863	Ditto ...	Ditto ditto.
5	Donovan ..	Ditto ...	11th Jan. 1863	19th Jan. 1863	Passed for a Certificate of High Proficiency in Hindi on 1st October 1863, having passed in Persian on 1st August 1863, and Hindi on 1st April 1863. Qualified for the Public Service. Studying for Honors.
6	McMinn ...	Ditto ...	21st Jan. 1863	23rd Jan. 1863	Studying at Allahabad. Passed in Hindi on 1st June 1863.
7	Lister ...	Ditto ...	11th Dec. 1862	17th Dec. 1862	Leave on Medical Certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

1	Kinsey ...	B. ...	10th Oct. 1863	15th Oct. 1863	Not passed in any language.
2	Beadon ..	B. ...	14th Nov. 1863	17th Nov. 1863	Ditto ditto.
3	Souttar ...	B. ...	Ditto ...	Ditto ..	Passed on the 2nd instant. Has to pass in a second language.
4	Magrath ...	B. ...	Ditto ...	Ditto ...	Not passed in any language.
5	Testro ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
6	Hurley ...	B. ...	Ditto ..	Ditto ...	Ditto ditto.
7	McWilliam ...	B. ...	22nd Nov. 1863	26th Nov. 1863	Passed on the 2nd instant. Has to pass in a second language.
8	Birkmyre ...	B. ...	2nd Dec. 1863	7th Dec. 1863	Not passed in any language.
9	Ruddock ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
10	Cowley ...	B. ...	Ditto .	Ditto ...	Ditto ditto.
11	Verner ...	B. ...	Ditto ...	Ditto	Ditto ditto.
12	Kirkwood ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
13	Peterson ...	B. ...	7th Dec. 1863	14th Dec. 1863	Ditto ditto.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

URDU,—*continued.*

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
14	Mosley ...	B. ...	12th Dec. 1863	14th Dec. 1863.	Not passed in any language.
15	Grimley ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
16	Young ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
17	Rawlins ...	N. W. P.	11th Jan. 1863	19th Jan. 1863	Passed for a Certificate of High Proficiency on the 2nd instant, and for a Certificate of High Proficiency in Hindi on 1st September 1863, having passed in Hindi on 2nd March 1863, and Persian on 1st June 1863. Qualified for the Public Service. Gained a donation of Rs. 800 for passing in two languages in four months.
18	Gribble ...	B. ...	22nd Dec. 1862	2nd Jan. 1863	Passed for a Certificate of High Proficiency in Bengali on 1st December 1863, having passed in Urdu on 1st July 1863, and Bengali on 1st May 1863. Qualified for the Public Service. Studying for Honors.

HINDI.

1	Boys ...	N. W. P.	30th Oct. 1863	9th Nov. 1863	Not passed in any language.
2	Roberts ...	Ditto ...	14th Nov. 1863	17th Nov. 1863	Passed on the 2nd instant. Has to pass in a second language.
3	Moule ...	Ditto ...	Ditto ...	Ditto ...	Ditto ditto.
4	Roe ...	Ditto ...	22nd Nov. 1863	26th Nov. 1863	Ditto ditto.
5	O'Gilvie ...	Ditto ...	Ditto ...	Ditto ...	Not passed in any language.
6	Smyth ...	Ditto ...	2nd Dec. 1863	7th Dec. 1863	Ditto ditto.
7	Harrison ...	Ditto ..	Ditto ...	Ditto ...	Ditto ditto.
8	Hanson ...	Ditto ...	Ditto ...	Ditto ...	Passed on the 2nd instant. Has to pass in a second language.
9	Woodburn ...	Ditto ...	12th Dec. 1863	14th Dec. 1863	Not passed in any language.
10	Irvine ...	Ditto ...	Ditto ...	Ditto ...	Ditto ditto.
11	Twigg ...	Ditto ...	Ditto ...	Ditto ...	Passed on the 2nd instant. Has to pass in a second language.
12	Williams ...	Ditto ...	Ditto ...	Ditto ...	Not passed in any language.
13	Tolbort ...	Ditto ...	Ditto ...	Ditto ...	Ditto ditto.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

HINDI,—*continued.*

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	Remarks.
14	Lloyd ...	N. W. P.	12th Dec. 1863	14th Dec. 1863	Not passed in any language.
15	Champneys ...	Ditto ...	Ditto ...	Ditto ...	Ditto ditto.
16	Crosthwaite ...	Ditto ...	30th Oct. 1663	9th Nov. 1863	Studying at Budaon. Not passed in any language.

BENGALI.

1	Newbery ...	B. ...	31st Oct. 1861	4th Nov. 1861.	Passed in Urdu on 2nd July 1862.
2	Ferrar ...	B. ...	21st Jan. 1863.	23rd Jan. 1863.	Passed on the 2nd instant. Qualified for the Public Service, having passed in Urdu on 1st July 1863.
3	McLaughlin ...	B. ...	Ditto ...	Ditto ...	Passed on the 2nd instant. Qualified for the Public Service, having passed in Urdu on 1st June 1863.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, and Bengali, held in February 1864.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	Remarks.
1	Walker ...	N. W. P.	10th Oct. 1863	15th Oct. 1863	Passed in Hindi on 9th November 1863.
2	Church ...	Ditto ...	30th Oct. 1863	9th Nov. 1863	Passed in Hindi on 1st December 1863.
3	Kennedy ...	Ditto ...	14th Nov. 1863	17th Nov. 1863	Not passed in any language.
4	Roberts ...	Ditto ...	Ditto ...	Ditto ...	Passed in Hindi on 2nd January 1864.
5	Jardine ...	Ditto ...	Ditto ..	Ditto ...	Not passed in any language.
6	Moule ...	Ditto ...	Ditto ...	Ditto ...	Passed in Hindi on 2nd January 1864.
7	Roe ...	Ditto ...	22nd Nov. 1863	26th Nov. 1863	Ditto ditto.
8	Hanson ...	Ditto ...	2nd Dec. 1863	7th Dec. 1863	Ditto ditto.
9	Twigg ...	Ditto ...	12th Dec. 1863	14th Dec. 1863	Ditto ditto.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

PERSIAN,—*continued.*

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
10	Donovan ...	N. W. P.	11th Jan. 1863	19th Jan. 1863	Passed for a Certificate of High Proficiency, on the 8th instant, and for a Certificate of High Proficiency in Hindi on 1st October 1863, having passed in Persian on 1st August 1863, and Hindi on 1st April 1863. Qualified for the Public Service.
11	McMinn ...	Ditto ...	21st Jan. 1863	23rd Jan. 1863	Studying at Allahabad. Passed in Hindi on 1st June 1863.
12	Lister ...	Ditto ...	11th Dec. 1862	17th Dec. 1862	Leave on Medical Certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

1	Kinsey ..	B. ...	10th Oct. 1863	15th Oct. 1863	Absent on Medical Certificate. Not passed in any language.
2	Beadon ...	B. ...	14th Nov. 1863	17th Nov. 1863	Passed on the 8th instant. Has to pass in a second language.
3	Magrath ...	B. ...	Ditto ...	Ditto ...	Not passed in any language.
4	Testro ...	B. ...	Ditto ...	Ditto ...	Left the Hall. Sick. Not passed in any language.
5	Hurley ...	B. ...	Ditto ...	Ditto ..	Not passed in any language.
6	Birkmyre ...	B. ...	2nd Dec. 1863	7th Dec. 1863	Ditto ditto.
7	Kirkwood ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
8	Ruddock ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
9	Cowley ...	B. ...	Ditto ...	Ditto ...	Passed on the 8th instant. Has to pass in a second language.
10	Verner ...	B. ...	Ditto ...	Ditto ...	Not passed in any language.
11	Peterson ...	B. ...	7th Dec. 1863	14th Dec. 1863	Ditto ditto.
12	Mosley ...	B. ...	12th Dec. 1863	Ditto ...	Ditto ditto.
13	Grimley ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
14	Barbour ...	B. ...	20th Dec. 1863	2nd Jan. 1864	Passed on the 8th instant. Has to pass in a second language.
15	Quinn ...	B. ...	8th Jan. 1864	18th Jan. 1864	Not passed in any language.
16	Webster ...	B. ...	Ditto ...	Ditto ...	Ditto ditto

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

URDU,—*continued.*

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
17	Coxhead ..	B. ...	8th Jan. 1864	18th Jan. 1864.	Not passed in any language.
18	Dalton ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
19	Thompson ...	B. ...	17th Jan. 1864	8th Feb. 1864	Ditto ditto.
20	Gribble ...	B. ..	22nd Dec. 1862	2nd Jan. 1863	Passed for a Certificate of High Proficiency in Bengali on 1st December 1863, having passed in Urdu on 1st July 1863, and Bengalion 1st May 1863. Qualified for the Public Service. Studying for honors.

HINDI.

1	Boys ...	N. W. P.	30th Oct. 1863	9th Nov. 1863	Passed on the 8th instant. Has to pass in a second language.
2	O'Gilvie ...	Ditto ...	22nd Nov. 1863	26th Nov. 1863	Not passed in any language.
3	Smyth ...	Ditto ...	2nd Dec. 1863	7th Dec. 1863	Ditto ditto.
4	Harrison ...	Ditto ...	Ditto ...	Ditto ...	Passed on the 8th instant. Has to pass in a second language.
5	Woodburn ...	Ditto ...	12th Dec. 1863	14th Dec. 1863	Not passed in any language.
6	Irvine ..	Ditto ...	Ditto ..	Ditto ...	Passed on the 8th instant. Has to pass in a second language.
7	Williams ...	Ditto ...	Ditto ...	Ditto ..	Ditto ditto.
8	Tolbort ...	Ditto ...	Ditto ...	Ditto ...	Not passed in any language.
9	Lloyd ...	Ditto ...	Ditto ...	Ditto ...	Passed on the 8th instant. Has to pass in a second language.
10	Champneys ...	Ditto ...	Ditto ...	Ditto ...	Not passed in any language.
11	Young ...	Ditto ...	Ditto ...	Ditto ...	Ditto ditto.
12	Frizelle ...	Ditto ...	20th Dec. 1863	2nd Jan. 1864	Passed on the 8th instant. Has to pass in a second language.
13	Patterson ...	Ditto ...	Ditto ...	Ditto ...	Not passed in any language.
14	Crawford ...	Ditto ...	8th Jan. 1864	18th Jan. 1864	Thrown out of his Buggy. Not passed in any language.
15	O'Brien ...	Ditto ...	11th Jan. 1864	Ditto ...	Not passed in any language.
16	Crosthwaite ...	Ditto ...	30th Oct. 1863	9th Nov. 1863	Studying at Meerut. Not passed in any language.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

BENGALI.

No.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
1	Newbery ...	B. ...	31st Oct. 1861	4th Nov. 1861	Passed in Urdu on 2nd July 1862.
2	Souttar ...	B. ...	14th Nov. 1863	17th Nov. 1863	Passed in Urdu on 2nd January 1864.
3	McWilliam ...	B. ...	22nd Nov. 1863	26th Nov. 1863	Ditto ditto.
4	Tawney ...	B. ...	22nd Dec. 1863	2nd Jan. 1864	Not passed in any language.
5	Wilson ...	B. ...	24th Dec. 1863	2nd Jan. 1864	Ditto ditto.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, and Bengali, held in March 1864.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
1	Walker ...	N. W. P.	10th Oct. 1863	15th Oct. 1863	Passed in Hindi on 9th November 1863.
2	Church ...	Ditto ...	30th Oct. 1863	9th Nov. 1863	Passed in Hindi on 1st December 1863.
3	Boys ...	Ditto ...	Ditto ...	Ditto ...	Passed in Hindi on 8th February 1864.
4	Kennedy ...	Ditto ...	14th Nov. 1863	17th Nov. 1863	Passed on the 1st instant. Has to pass in a second language.
5	Roberts ...	Ditto ...	Ditto ...	Ditto ...	Passed in Hindi on 2nd January 1864.
6	Jardine ...	Ditto ...	Ditto ...	Ditto ...	Passed on the 1st instant. Has to pass in a second language.
7	Moule ...	Ditto ...	Ditto ...	Ditto ...	Passed in Hindi on 2nd January 1864.
8	Roe ...	Ditto ...	22nd Nov. 1863	26th Nov. 1863	Ditto ditto.
9	Harrison ...	Ditto ...	2nd Dec. 1863	7th Dec. 1863	Passed in Hindi on 8th February 1864.
10	Hanson ...	Ditto ...	Ditto ...	Ditto ...	Passed on the 1st instant. Qualified for the Public Services, having passed in Hindi on 2nd January 1864. Gained a donation of Rs. 800 for passing in two languages in two months.
11	Irvine ...	Ditto ..	12th Dec. 1863	14th Dec. 1863	Passed in Hindi on 8th February 1864.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

PERSIAN,—*continued.*

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
12	Williams ...	N. W. P.	12th Dec. 1863	14th Dec. 1863	Passed in Hindi on 8th February 1864.
13	Lloyd ...	Ditto ...	Ditto ...	Ditto ...	Ditto ditto.
14	Frizelle ...	Ditto ...	20th Dec. 1863	2nd Jan. 1864	Ditto ditto.
15	McMinn ...	Ditto ...	21st Jan. 1863	23rd Jan 1863	Studying at Allahabad. Passed in Hindi on 1st June 1863.
16	Twigg ...	Ditto ...	12th Dec. 1863	14th Dec. 1863	Studying at Etah. Passed in Hindi on 2nd January 1864.
17	Lister ...	Ditto ...	11th Dec. 1862	17th Dec. 1862	Leave on Medical Certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

1	Kinsey ...	B. ...	10th Oct. 1863	15th Oct. 1863	Passed on the 1st instant. Has to pass in a second language.
2	Magrath ...	B. ...	14th Nov. 1863	17th Nov. 1863	Not passed in any language.
3	Testro ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
4	Hurley ...	B. ...	Ditto ...	Ditto ...	Passed on the 1st instant. Has to pass in a second language.
5	Birkmyre ...	B. ...	2nd Dec. 1863	7th Dec. 1863	Not passed in any language.
6	Kirkwood ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
7	Ruddock ...	B. ...	Ditto ...	Ditto ..	Ditto ditto.
8	Verner ...	B. ...	Ditto ...	Ditto ...	Passed on the 1st instant. Has to pass in a second language.
9	Peterson ...	B. ...	7th Dec. 1863	14th Dec. 1863	Ditto ditto.
10	Mosley ...	B. ...	12th Dec. 1863	Ditto ...	Not passed in any language.
11	Grimley ...	B. ..	Ditto ...	Ditto ...	Passed on the 1st instant. Has to pass in a second language.
12	Webster ...	B. ...	8th Jan. 1864	18th Jan. 1864	Not passed in any language.
13	Coxhead ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
14	Dalton ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
15	Thompson ...	B. ...	17th Jan. 1864	8th Feb. 1864	Ditto ditto.
16	Campbell ...	B. ...	Ditto ...	Ditto ...	Ditto ditto.
17	MacAuliffe ...	B. ...	9th Feb. 1864	22nd Feb. 1864	Ditto ditto.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

URDU,—*continued.*

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
18	Gribble ...	B. ...	22nd Dec. 1862	2nd Jan. 1863	Passed for a Certificate of High Proficiency in Bengali on 1st December 1863, having passed in Urdu on 1st July 1863, and Bengali on 1st May 1863. Qualified for the Public Service. Studying for honors.
19	Quinn ...	B. ...	8th Jan. 1864	18th Jan. 1864	Studying at Benares. Not passed in any language.

HINDI.

1	O'Gilvie ...	N. W. P.	22nd Nov. 1863	26th Nov. 1863	Not passed in any language.
2	Smith ...	Ditto ...	2nd Dec. 1863	7th Dec. 1863	Ditto ditto.
3	Woodburn ...	Ditto ...	12th Dec. 1863	14th Dec. 1863	Passed on the 1st instant. Has to pass in a second language.
4	Tolbort ...	Ditto ...	Ditto ...	Ditto ...	Ditto ditto.
5	Champneys ...	Ditto ...	Ditto ...	Ditto ...	Not passed in any language.
6	Young ...	Ditto ...	Ditto ...	Ditto ...	Ditto ditto.
7	Patterson ...	Ditto ...	20th Dec. 1863	2nd Jan. 1864	Ditto ditto.
8	Crawford ...	Ditto ...	8th Jan. 1864	18th Jan. 1864	Ditto ditto.
9	O'Brien ...	Ditto ...	11th Jan. 1864	Ditto ...	Sick on Medical Certificate. Not passed in any language.
10	Wright ...	Ditto ...	15th Jan. 1864	8th Feb. 1864	Not passed in any language.
11	Butt ...	Ditto ...	9th Feb. 1864	22nd Feb. 1864	Passed on the 1st instant. Has to pass in a second language.
12	Benton ...	Ditto ...	20th Feb. 1864	1st Mar. 1864	Ditto ditto.
13	Crosthwaite ...	Ditto ...	30th Oct. 1863	9th Nov. 1863	Studying at Budaon. Passed on the 16th February 1864. Has to pass in a second language.

BENGALI.

1	Newbery	B.	31st Oct. 1861	4th Nov. 1861	Passed on the 1st instant. Qualified for the Public Service, having passed in Urdu on 2nd July 1862.
	Beadon	B.	14th Nov. 1863	17th Nov. 1863	Passed in Urdu on 8th February 1864.
	Souttar	B.	Ditto	Ditto	Passed on the 1st instant. Qualified for the Public Service, having passed in Urdu on 2nd January 1864. Gained a donation of Rs. 800 for passing in two languages in three months.

Report on the Examination of the Junior Unpassed Civil Servants,—concluded.

BENGALI,—*concluded.*

No.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	REMARKS.
4	McWilliam ...	B. ...	22nd Nov. 1863	26th Nov. 1863	Passed in Urdu on 2nd January 1864.
5	Cowley ...	B. ...	2nd Dec. 1863	7th Dec. 1863	Passed in Urdu on 8th February 1864.
6	Tawney ...	B. ...	22nd Dec. 1863	2nd Jan. 1864	Passed on the 1st instant. Has to pass in a second language.
7	Wilson ...	B. ...	24th Dec. 1863	Ditto ...	Not passed in any language.
8	Barbour ...	B. ..	20th Dec. 1863	Ditto ...	Passed in Urdu on 8th February 1864.

By Order of the Board of Examiners,

W. N. LEES,
Secy. to the Board of Examiners.

FORT WILLIAM,
The 23rd April 1864.

No. 3275.

By Order of His Excellency the Governor General in Council,

ARTHUR HOWELL,
Offg. Under Secy. to the Govt. of India.

FORT WILLIAM, HOME DEPT.,
The 4th May 1864.

ADVERTISEMENTS.

NOTICE.

It is requested that all Annual and Half-yearly Reports and Returns of Stores due by Corps and Departments to the Examiner's Office in the Ordnance, Barrack, and Marine Branches, may be despatched to that Office as soon after 1st May 1864 as possible, for the preparation of the Annual Accounts.

F. D. ATKINSON, *Lieut. Col.,*
Controller of Mily. Accounts.

NOTICE.

Notice is hereby given that Public Service Transfer Receipts will be issued from this date bearing a new series of General Number, commencing with 093393.

E. BICKERS,
Extra Asst. Commissioner.

TREASURY OFFICE;
FYZABAD,
The 21st April 1864.

POSTAL NOTICE.

Under an arrangement made with the Colonial Government of Hong-Kong, letters transmitted by *private vessels* between Hong-Kong and India, on and after the 1st proximo, will be chargeable with postage at the place of delivery only, no postage being levied at the place of despatch. The charge on delivery in any part of India will be at the rate given below :—

Letters :—

Not exceeding ½ oz.	4 Annas.
Exceeding ½ oz. & not exceeding 1 oz.	8 ,,
Exceeding 1 oz. & not exceeding 2 oz.	1 Rupee.
And for every additional oz. or fraction of an oz.	8 Annas.

The above rate is a consolidated rate, no extra charge for bounty money to Ship Captains being leviable.

A. M. MONTEATH,
In charge of the Office of Dir. Genl. of the Post Office of India.

CALCUTTA,
The 23rd April 1864.

List of the following Deposits in the Government Savings' Bank, which have remained unclaimed for more than 15 years, is published for general information.

Bank Account No.	Name and Address.	Date of opening the Account.	Date of last Deposit.	Date of last Withdrawal.	Date of demise if dead.	Balance.
						Rs. A. P.
2081	G. Baillie, Esq., Trustee of the marriage settlement of Capt. and Mrs. T. R. McQueen	18th June 1836	13th Apl. 1847	6th Feb. 1844	Not known.	644 14 4
4312	H. J. Leighton, Esq., Secy., Tontine of India Account Current of Carthire Mitchell ...	2nd Aug. 1839	...	...		134 8 7
4313	Ditto ditto ditto Maria Erskine Gordon ...	2nd „ „	20th Apl. 1847	6th Aug. 1839		535 10 3
4314	Ditto ditto ditto Surgeon George Meikle ...	2nd „ „	...	...		538 13 4
4315	Ditto ditto ditto Henry Charles ...	2nd „ „	...	...		538 13 4
4316	Ditto ditto ditto Sarah Elizabeth Seymour ...	2nd „ „	24th Apl. 1848	6th Aug. 1839		694 7 8
4318	Ditto ditto ditto Lieutenant George Munro Arthur ...	2nd „ „	...	...		538 13 4
4319	Ditto ditto ditto „ Colonel D. Mackay ...	2nd „ „	17th Apl. 1847	6th Aug. 1839		533 0 9
4321	Ditto ditto ditto „ W. Nixon ...	2nd „ „	...	...		538 13 4
4322	Ditto ditto ditto Enos Saville ...	2nd „ „	...	...		134 8 7
4323	Ditto ditto ditto Lieutenant J. B. Tinton ...	2nd „ „	...	...		538 13 4
4324	Ditto ditto ditto Ramnarain Ghose ...	2nd „ „	...	...		538 13 4
4326	Ditto ditto ditto Lieutenant H. A. Newton ...	2nd „ „	6th Oct. 1847	6th Aug. 1839		124 0 7
4327	Ditto ditto ditto Mary Peter ...	2nd „ „	...	...		134 8 7
4328	Ditto ditto ditto Captain G. Maxwell ...	2nd „ „	...	..		538 13 4
4329	Ditto ditto ditto Margaret Agnew ...	2nd „ „	...	..		538 13 4
4331	Ditto ditto ditto Ensign F. W. Todd ...	2nd „ „	...	...		134 8 7
					Total ...	7,380 14 7

ACCOUNTANT GENERAL'S OFFICE,
TREASURY DEPARTMENT,
The 19th February 1864.

R. P. HARRISON,
Accountant General to the Government of India.

WANTED.

Wanted, for the West Berar Suddur Treasury, a Treasurer. Pay Rupees (100) one hundred per mensem. Cash or Government Paper Security to the extent of Rupees (25,000) twenty-five thousand will be required, and a knowledge of Mahratta is indispensable.

Applications, with certificates of character, to be made to the Deputy Commissioner, West Berar, Akolah.

J. T. BUSHBY,
Assistant Commissioner,
in Charge, West Berar.

DEPUTY COMMISSIONER'S OFFICE,
Akolah, 21st March 1864.

BANK OF BENGAL.

Notification.—It is hereby notified that as the present Capital of the Bank is insufficient to meet its requirements, in consequence of the increase of business, principally arising from the establishment of Branches subordinate to the Bank in various parts of the Bengal Presidency, the Directors have determined, under the authority vested in them by Section 6, Act IV of 1862, to increase the Capital from one crore, nine lakhs, ninety thousand, nine hundred and nine Rupees, to two crores and twenty lakhs, by the issue of new Shares or consolidated Stock, under the following conditions :—

1*st.*—Holders of old Shares will be entitled to claim new Shares at par, in the proportion of one Share for every Share of which they may be registered as Proprietors in the Books of the Bank. Registered Proprietors of consolidated Stock will, in like manner, be entitled to an equivalent amount of new Stock at par.

2*nd.*—Holders of Shares or Stock, whether in India or elsewhere, shall be allowed, to the 15th day of August 1864, to claim the new issue. All Shares or Stock not claimed by the said date shall be at the disposal of the Directors, who shall cause the same to be sold for the benefit of the Bank, in such manner and at such times as they may deem expedient.

3*rd.*—Payments in one sum of the amount of Subscription on any whole, half, or quarter Share or Stock, to which any Proprietor may be entitled under this Notification, may be made at any time after the publication thereof. On all such payments prior to the 30th June next, interest will be allowed, at the rate of 8 per cent. per annum, from date of payment to the 30th June; and the Shares or Stock so paid up shall, thenceforward, be entitled to dividend. On all payments made subsequent to the 30th June, interest will similarly be allowed (at the rate of 8 per cent.) until the 31st December following, from which date the Shares or Stock so paid up shall, in like manner, become entitled to dividend.

4*th.*—The Transfer Books will be closed from the 16th to the 31st of August 1864, inclusive. All Shares or Stock previously subscribed for, but on which the full amount of Capital shall not be paid by the last mentioned date, will lapse to the Bank and will be at the disposal of the Directors, as provided in Clause 2.

By Order of the Directors,
C. N. COOKE,
Offg. Secretary and Treasurer.

12*th March* 1864.

NOTICE.

It is hereby notified for information that the Government Bullock Train Agency will cease to exist on the 1st proximo. All packages received for transmission prior to that date will be duly delivered, but no packages will be received on or after that date.

2. Arrangements have been made, under contract with the Indian Carrying Company, for the conveyance, at fixed rates of charge, on and after the 1st proximo, of Government Troops, Stores, and Passengers, on all the existing lines of Government Bullock Train and on all other lines in India now served, or which may be served, by the Indian Carrying Company.

3. The rates and conditions of charge for Government Troops, Stores, and Passengers have been fixed as follows :—

I. For the distance conveyed by Rail, 3 per cent. above Railway rates.

II. For the distance conveyed by road.

(*a*) For Government *Stores*, at 1·47 pie per maund per mile, subject to the following provisions, *viz* :—

Fractions of a mile will be regarded as a mile.

No package, however small, will be charged for at a less rate than half a maund; but parties dispatching at the same time more than one package, aggregating one maund or more, will be charged according to aggregate weight.

Fractional parts of a maund, below half a maund, will be charged as half a maund; and above half a maund as a maund.

Light packages may, at the option of the Company, be charged by measurement, at the rate of 5 cubic feet per maund.

No package will be conveyed between two Stations (however short the distance) for less than 3 annas.

(*b.*) For Government *Troops*, including officers, soldiers, women, children and followers. The charge in this case will be made according to the number of Carts (two-wheeled) or Waggons (four-wheeled) required by the authorities despatching the Troops. Each Cart will be reckoned at a complement of 15 maunds of goods, and each Waggon at a complement of 30 maunds of goods; the charge being regulated according to distance, at the rate chargeable for that quantity of goods under the preceding Section (*a*).

The number of Carts or Waggons which may in any case be required will be indicated by the Officer despatching the troops, in accordance with existing Rules in respect of accommodation for troops, or such modification of these Rules as may, from time to time, be made by the Military Authorities.

(*c.*) For Government *Passengers*, at the rate chargeable for stores (Section *a*), each adult passenger (*i. e.* above 12 years of age) being reckoned as equivalent to 3 maunds; each child above 2 years of age being reckoned as equivalent to 1½ maunds; and children of two years old and under, when travelling with their parents or guardians, being conveyed free. Baggage to the extent of 20 seers for each adult passenger and 10 seers for each chargeable child, will be allowed free; but it will be regarded as in the custody and at the risk of the passenger.

If separate Waggons or Carts be engaged for the conveyance of Government Passengers, the charge will be made as for a full cart load (15 maunds) or a full Waggon load (30 maunds) as the case may be, subject to the condition that the number of chargeable passengers conveyed in such Carts or Waggons shall not be more than equivalent to the full complement thereof (15 or 30, maunds) on the calculation of each adult passenger being equivalent to 3 maunds, and each chargeable child to 1½ maunds.

(*d.*) For Government *wheeled vehicles* such as Artillery Ambulances, &c., each two-wheeled vehicle will be charged as equivalent to 10 maunds, and each four-wheeled vehicle as equivalent to 20 maunds.

The charge for Government Troops, Stores and Passengers will be paid by the Despatching Officer in advance, or the Receiving Officer on taking delivery, except in respect of any particular Officers or classes of Officers whom the Government may authorize to despatch Troops, Stores, or Passengers without payment as above, subject to adjustment by bills.

A. M. MONTEATH,
In charge of the Office of Dir. Genl. of the Post Office of India.

CALCUTTA,
The 22nd April 1864.

LOST.

The left-halves of two 10-Rupee Notes, Nos. 6-31569 and 6-48088. Payment stopped at the Bank of Bengal.

THE GAZETTE OF INDIA.

The Printing Press not having arrived at Simla, the *Gazette of India* will be printed in Calcutta until further orders.

BENGAL ARMY LIST.

The printing of No. VIII of the *Bengal Official Quarterly Army List*, corrected in the office of the Adjutant General up to the 1st of April 1864, has been commenced, and the volume will be ready about the 10th of May. Price five Rupees *in advance*, and eight annas extra if sent by post.

This No. will contain a Table of Staff Appointments and Allowances, and the Civil Service List.

Of No. VII a larger number of copies than usual was printed, still several of the later applicants could not be supplied. Early application should therefore be made to

CALCUTTA,
6, *Bankshall Street*,
22nd April 1864.

O. T. CUTTER,
Publisher of the Bengal Official Army List.

THE FINANCIAL STATEMENT

Delivered by the Hon'ble Sir Charles Trevelyan, K. C. B., on the 7th instant, for sale at the Military Orphan Press. Price 8 annas per copy.

9th April 1864.

MEMOIRS

OF THE

GEOLOGICAL SURVEY OF INDIA.

Recently published, and for sale at the Military Orphan Press.

VOL. I. PART I. Roy. 8vo. pp. 98, 3 Plates and 9 page Illustrations. Price 2 Rs. cloth.

Contents.—The Coal and Iron of Cuttack, by THOMAS OLDHAM, Superintendent of Geological Survey.
The Structure and Relations of the Talcheer Coal Field, by Messrs. BLANFORD and THEOBALD.
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The Tertiary and Alluvial deposits of the Nerbudda Valley, by WM. THEOBALD, JUNR., Geological Survey.
The Geological relations and probable Geological age of the several groups of rocks in Central India and Bengal, by T. OLDHAM, Superintendent of Geological Survey.

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Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

0. 17.

SUPPLEMENT TO

The Gazette of India

CALCUTTA, SATURDAY, MAY 7, 1864.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

HOME DEPARTMENT.

A System of Earth Sewage,—by the Revd. H. Moule.

In a paper on the "Utilization of Town Sewage," which is contained in Vol. xxiv., Part I, of the *Journal of the Royal Agricultural Society*, Mr. Lawes has written thus :—"No one will doubt that if the sanitary requirements of the nation could be attained by any system which would preserve the excrements of the population free from admixture with water, and present them for use at once undiminished in value by decomposition, and in a portable and innoxious condition, the land of the country devoted to the growth of human food might, by their application to it, be greatly increased in its productiveness. The question of the sanitary arrangements of our towns was taken up by our engineers before agricultural chemistry was much studied ; and they have committed us to plans which, though they effectually remove the noxious matters from our dwellings, must greatly limit the area and mode of their agricultural utilization, and which, at the same time, have tended to the pollution of our streams. To say nothing of the enormous cost that would be involved in entirely subverting the present methods of removing the excrements of the inhabitants of our large cities from their dwellings, it must be admitted that no feasible scheme has yet been proposed by which this could be accomplished without the use of water. Such is certainly a great desideratum, but, perhaps, a consummation more to be wished than expected."

By thus placing this extract from Mr. Lawes's paper at the head of that which I am about to read, I would not lead to the expectation of any attempt on my part to prove that, for the removal of the excrements of the inhabitants of our large towns from their dwellings, the scheme I propose is perfectly feasible. Such a proof, indeed, I am quite prepared to give ; but so great is the array of prejudice, of self-interest, and, shall I say, of ignorance, against it, that, though I should establish my scheme beyond all contradiction, my proof would not, for any practical purpose with reference to our great cities, have, at the present time, the weight of a feather. It will probably require another half-century of experience to convince the public that the present drainage system, while relieving particular premises and special localities, is at the best but a shifting of an evil, increasing in its noxious character as it goes along from one spot to another, and that even the boasted and extravagant drainage of this metropolis is only a palliation and a temporary relief. The day will come, when, from the increase of the population higher up the river, an equal amount of pollution to that which is now to be withdrawn from it will be poured into the Thames ; and when, from the increase of filth, sand and rubbish poured into them, the main sewers, calculated for the present evil, will then be ineffectual for their purpose. There is only one observation which I would make on my scheme with reference to its application to large cities in which the water drainage now exists. Mr. Lawes says that the subversion of the present system in favour of any other would be attended with enormous expense. Now, in the establishment of the earth sewage system, no public works are required, whilst the three-and-a-half millions being spent by the Metropolitan Board for the greater efficiency of the public works now existing, would have defrayed double the cost of all private works of the earth sewage system for London ; and the manure saved instead of wasted would, on the very lowest estimate, have produced a clear income of

£50,000 a year. But enough of this; I will proceed to state—

I. The principles of what I have ventured to call the system of earth sewage.

II. The mode of their application in closets, or commodes and urinals.

III. The provision of earth for single dwelling houses, or for large establishments, and for our smaller towns.

I. The peculiar adaption of various kinds of earth for the complete and economical removal of excrementitious matter consists not in the mere fact that such earths are good deodorisers. This has long been observed and known. But it was not known, until a very recent period, that, under certain circumstances, the quantity of earth required for this purpose is very small. When the contents of a vault or cess-pool have been allowed to ferment and generate offensive gases for months and years, it has been found that the proportion of earth required to destroy its offensiveness is immense. If, however, the evil be taken in detail, and the remedy applied at once, the reduction in the quantity required is incredible until tried. Three half-pints of earth dried in the atmosphere and passed through a sieve with a mesh of one-eighth or one quarter of an inch, is amply sufficient for each use of an earth closet. It at once stops emission of offensive smell; it prevents fermentation; and these results are so complete and lasting, that either the same day, or after a week, or even a longer period, the mass of soil and earth can be removed from the room and the premises without any offence. If when thus removed a coarse sieve be used, the earth which passes through the sieve will in a day or two be dry enough to be used again, while all that which will not pass through, being thoroughly mixed together by a spade, or in any other way, forms a highly concentrated and inoffensive manure. Or, if on removal the whole mass be thus mixed together and left to dry, it may with equal absorbing and deodorising efficacy be employed in the closet again. And so remarkable is this capability of earth for the absorption of such substances and gases, that I have myself subjected it to this repeated action ten times.

Here, then, in the case of a single closet is exactly that which Mr. Lawes requires. Indeed, if comfort and sanitary considerations be taken into the account, there is more than he requires; for, together with the entire suppression of fermentation and of the escapes of noxious and offensive gases, there is here "the preservation of the excreta free from admixture with water; and they are presented at once undiminished in value by decomposition, and in a portable and innoxious condition."

II. As to the of application of earth in closets and commodes, it is obvious that it can in many cases be done without the use of machinery; and thus, in fact, it has been applied in not a few cottages, and amongst other public institutions, in the work-house school of 55 children, at Bradford-on-Avon. A box of dry earth with a scoop is placed in the privy, and the children are required to throw in a scoopful on each occasion of its use. This has been attended with such complete success, that the Vice-Chairman of the Board of Guardians of the Bradford Union states that, where all before was "noxious pungency," there is now no offensive smell. And as to the quantity of earth used, he states that, from the repeated use of the same earth, the whole mass at the end of five months amounted to no more than 1½ ton, but that a mass of valuable manure.

It soon became clear, however, that in such cases self-action would be advisable, and in some cases almost a matter of necessity, whilst an application of the earth by machinery would be far more convenient, and might be more immediate than by hand. Accordingly, a very simple contrivance was tried for a time, which, however, soon in its use betrayed two or three defects. In consequence of these defects, Mr. James White, of Dorchester, applied his mind with much ingenuity and patience to a subject attended with far more and greater difficulties than any one who has not gone into it can conceive, and has produced in the patent earth closet of his manufacture that which, while almost equally simple with the former plan, obviates all its defects, and is, in my estimation, perfect. In its simplest form it may be thus described. At the back of the commode or closet is a box or reservoir filled with dry earth, at the lower part of which is a revolving hopper with four compartments, each of which is capable of containing the required quantity of earth. By a very simple piece of machinery the weight of the body in sitting down turns this hopper and fills the compartment with earth. On the person rising from the seat, the hopper revolves one quarter of its circumference, and throws the earth by means of a shoot directly on to the soil and under the pan. The same operation can, of course, be performed by the use of a lifting handle, and in this case the application can be instantaneous, an advantage which, in sick rooms and in hospital wards, appears to me to be incalculable. The excreta and earth together can of course be received, in the case of a commode, in a bucket, or from a fixed closet passed through a pipe or shaft into a receptacle below, from whence its removal would be the most practicable. There is another form of closet, consisting of a set of knives in the form of a screw, which mixes the mass and at the same time cuts the paper to pieces, and forces the whole out in a perfectly inoffensive form. But the description of this I leave to the manufacturer. As to the use of earth in urinals, no machinery is necessary, and its efficacy is complete. A truck or pit, eighteen inches or two feet deep, and filled with dry earth, occupies the space both under the standing place and three or four feet in front of this. The standing is formed of an iron grating, the continuation of the iron railing which forms the barrier. All offensiveness is thus prevented and a valuable manure produced. Public urinals on this plan in the metropolis, and in large towns, and at our railway stations, instead of the nuisances such urinals now are, might be completely inoffensive and innoxious, and might be made to pay. One ton of earth or of London clay would be sufficient for 1,000 uses, and dried at a temperature under boiling heat, might be used for the same purpose and with increase of value again and again.

III. In speaking of the supply of earth for closets, &c., I will take first the case of a detached house with a garden. All that I, in such a case, have to do is to take a few barrow loads of earth from my garden and allow it to lie for a time to dry. When used sufficiently in the closets, instead of being a loss to the garden, it is returned, as money borrowed, with interest. It has become a

manure, highly concentrated, and so easy of application that a handful or two may be equal to a barrow-load of ordinary manure. This I have proved by many experiments If from this we rise to a large establishment, say a barrack with two troops of cavalry, the same farmer who supplies straw for the horses, as soon as he sees the value of the human excrement, and can have the opportunity of removing it, will supply earth for closets. He will not grudge the earth from his fields, which is to be returned to him after a time equal in value, as it may be made, to superphosphate, or crushed bones, or guano. But if his soil be light and thin, and he have clay in the neighbourhood, then he can easily and cheaply procure that substance, and if he mix it with such ashes as he can get, or with street sweepings, he obtains by the admixture a most valuable manure, exactly suited to his land. Or if, in the last place, we take the case of a town which either is in such a position that it cannot be drained, or, the inhabitants of which, being unwilling to enter on the expensive, and now doubtful, system of water drainage, should be disposed to adopt the earth system, a Company could provide, according to the circumstances of the neighbourhood, clay, peat, earth, silicate of alumina, or any other earth or sub-soil, except chalk or limestone, and adding to it, if they please, soot or any other fertilising materials, they might send it with as much ease as they send artificial manure, to those parts of the country which manure prepared from any of those earths and substances would best suit. For instance, the manure of London, instead of being either wasted in the sea, or, not much better, wasted on a few thousand acres in the marshes of Essex, if mixed with the clay which is everywhere at hand, and with the soot and some ashes and street sweepings, might convert the sandy heaths to the west and south-west into fruitful pastures and corn-fields. There would, in the one case, moreover, be no transfer, as there is in the other, of the locality of malaria and offensive smell from the town to the country. And, whilst the whole neighbourhood of the Essex marshes will abominate the daily influx into those marshes of a lake of filthy slush, the most offensive part of that slush, freed from the water, and converted by the earth into an inodorous and valuable fertiliser, would, by the owners and occupiers of the heaths of Surrey, Hants, and Dorset, be not only welcomed but readily purchased.

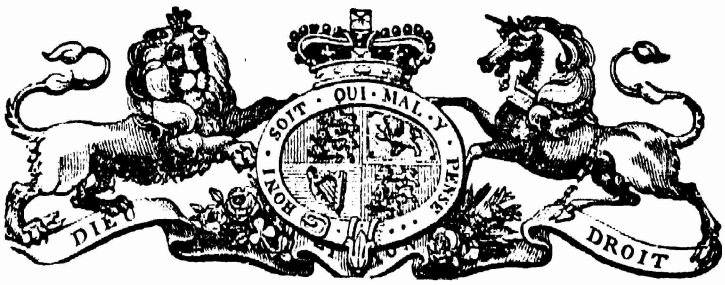
MEMO. BY THE PRISON COMMITTEE.

The practice of using dry earth to deodorize excrementitious matter has been in use in some of the Punjab Jails for many years, from whence the system was adopted by the Inspector of Prisons in Bombay for the Jails in that Presidency. Dr. Wiehe speaks highly of its perfect success in his rules for conservancy lately published, see page 69, paras. 9 to 14.

The Prison Committee having personally tested the extraordinary efficacy of dry earth as a deodorizer, when sprinkled or sifted over either fœcal or urinous matter, (the experiment having been lately tried in the in the Allipore Jail and Calcutta House of Correction) beg to recommend its universal adoption, not only in Barracks, Hospitals, Jails, and all public Institutions, but in Schools and private families; and at the same time strongly urge the abolition of lime, charcoal, ashes or any other substitute, which do not have the same direct and *immediate* effect as dry earth. With this object in view, they recommend the dissemination of the above paper as widely as possible, being convinced that, wherever the plan is tried, it will never be given up.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 19.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MAY 14, 1864.

HOME DEPARTMENT.

No. 52.

Simla, the 5th May 1864.

Notifications.—In supersession of the Notification No. 7, dated the 29th ultimo, it is notified that His Excellency the Viceroy and Governor General has been pleased to appoint Lieutenant W. C. Anderson, of the 3rd Punjab Cavalry, to officiate as an Aide-de-Camp on His Excellency's Personal Staff as a temporary arrangement, from the 23rd of April 1864.

No. 53.

His Excellency the Viceroy and Governor General is pleased to invest the following Officers in the Central Provinces with the powers of a Magistrate, to be exercised within the precincts of the Jails of which they are respectively in charge, and with regard to the prisoners confined therein.

Asst. Surgeon	J. Law ...	Bhundara.
,,	C. Trinmell ...	Nursingpore.
,,	W. Grylls ..	Chindwara.
,,	H. King ...	Baitool.
,,	G. F Trinmell...	Hoshungabad.
,,	W. R. Rice ...	Saugor.
,,	J. M. Cameron...	Sironcha.
,,	W. Roberts ...	Seonie.

No. 76.

The 7th May 1864.

Lieutenant D. McNeill, Assistant District Superintendent of Police, Upper Godavery District, in the Central Provinces, has obtained one month's preparatory leave of absence from the 10th March, or from such date as he may have availed himself of the same to proceed to Madras for the purpose of appearing before a Medical Board, with a view to obtaining leave on medical certificate to England.

No. 77.

The 9th May 1864.

Mr. C. B. P. Gordon, Assistant Superintendent, Central India Circle, to officiate as Superintendent, in charge of the Scinde Circle.

Mr. H. B. Sleeman, at present officiating as Superintendent, Scinde Circle, to be Assistant Superintendent of that Circle.

Mr. H. P. Owen, First Inspector, to officiate as Assistant Superintendent, Indore Circle.

Mr. E. Faulkner, First Inspector, to officiate as Assistant Superintendent, Central India Circle.

E. C. BAYLEY,
Secy. to the Govt. of India.

Fort William, the 13th May 1864.

No. 3364.

Notifications.—The Right Hon'ble the Governor General in Council is pleased to attach Mr. J. H. Twigg, of the Civil Service, reported qualified for the Public Service, to the North-Western Provinces, the Punjab, and Oudh.

No. 3389.

Mr. T. W. Gribble, Junior Civil Servant, having obtained a Certificate of High Proficiency in Oordoo, has been presented with the authorized donation of Rs. 800.

No. 3390.

Messrs. W. Irvine, J. H. Lloyd, J. W. Tawney, W. H. Grimley, G. Butt, A. H. Benton, and J. H. Twigg, Junior Civil Servants, having, within the prescribed interval after arrival in India, passed examinations in two languages, have each been presented with the authorized donation of Rs. 800.

No. 3392.

Mr. H. T. Prinsep and Mr. F. B. Peacock gave over and received respectively, on the afternoon of the 7th instant, charge of the office of Registrar of the High Court, Appellate side.

No. 3393.

Mr. J. H. Lawrence, Assistant Superintendent of Police, joined his appointment at Rangoon on the 19th April 1864.

ARTHUR HOWELL,
Offg. Under Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

JUDICIAL.

No. C.

Fort William, the 15th April 1864.

Notifications.—The Governor General in Council has been pleased, under the authority of Section 1 of Act XXI. of 1863, to direct the establishment, from 1st May next, of a Court of Judicature for the Town of Moulmein, to be called the "Court of the Recorder of Moulmein."

Under Sections 2 and 4 of the same Act, His Excellency in Council is pleased to appoint Doctor W. H. Clarke, Recorder of the Recorder's Court at Rangoon, to be also Recorder of the Court at Moulmein, from the date of its establishment.

No. D.

Under Section 31 of Act XXI. of 1863, the Governor General in Council has been pleased to appoint Mr. G. Hough to be Registrar of the Court of the Recorder of Rangoon, and Mr. J. K. Macrae to be Registrar of the Court of the Recorder of Moulmein.

Under Section 35 of the same Act, the Governor General in Council has been pleased to invest both the above Officers with jurisdiction to hear and determine suits of the nature cognizable by them as small Cause Court Judges, in which the amount or value of the claim does not exceed five hundred Rupees.

No. E.

Under Section 10 of Act XXI. of 1863, it is hereby notified that the Chief Commissioner of British Burmah has, with the approval of the Governor General in Council, fixed the following limits of the jurisdiction of the Recorder of Moulmein :—

Local limits of the Town of Moulmein and neighbourhood thereof, in British Burmah, within which the Recorder thereof shall exercise civil jurisdiction, fixed by the Chief Commissioner, according to Section 10 of Act XXI. of 1863.

From the mouth of the Kyouktan Creek and up the Creek to where the Kyouktan road meets it; along the Kyouktan road north to its junction with the upper Mopoon road, from its junction with the Kyouktan road to its junction with the Nantay road; along the Nantay road from its junction with the upper Mopoon road to Nantay village; along the left bank of the river Attaran to the landing-place called Ngyongbenzeik, and thence still along the left bank of the Attaran river to where that river falls into the Gyne Salween, thence along the left bank of the Salween by Battery Point and including the Island of Goungtsee Guen to the mouth of the Kyouktan Creek.

Along the whole breadth of the Salween river, from a line drawn west from Battery Point to the opposite shore, and as far as the mouth of the said river as shown by a N. N. E. line from Amherst pagoda to a pillar on the south-west point of the Island of Beeloogyoun.

By order of His Excellency the Viceroy and Governor General of India in Council.

H. M. DURAND, *Colonel,*
Secy. to the Govt. of India.

GENERAL.

No. 31.

Simla, the 2nd May 1864.

Notifications.—Assistant Surgeon J. Whishaw, Civil Assistant Surgeon of Fyzabad, in Oudh, availed himself, on the 14th of March, of the 60 days' privilege leave granted to him in General Order No. 801, dated 30th March.

No. 32.

Captain J. T. Bushby, Assistant Commissioner, Hyderabad Assigned Districts, received charge of the District of West Berar from Major Stubbs on the afternoon of the 15th March, in addition to the duties of his permanent appointment.

MILITARY.

No. 11.

Assistant Surgeon A. D. Campbell, in Medical charge of the Deolee Irregular Force, availed himself, on the 31st March last, of the preparatory leave granted to him in General Order dated 2nd idem, No. 58.

No. 14.

Lieutenant W. Rawlins, of the Madras Staff Corps, and Adjutant of the 3rd Sikh Infantry, Punjab Irregular Force, is appointed Adjutant of the Erinpoorah Irregular Force, vice Brevet Captain J. P. Turton, transferred to the Punjab Irregular Force.

POLITICAL.

No. 8.

The services of the Honorable Ashley Eden, C. S., are replaced at the disposal of the Bengal Government.

GENERAL.

No. 38.

The 5th May 1864.

His Excellency the Viceroy and Governor General in Council is pleased to make the following appointments in the Mysore Commission, consequent on the demise of Mr. C. Lovery, Native Assistant at Mysore :—

Syud Ameen Ahmed, Native Assistant of the 4th Class, to be a Native Assistant of the 3rd Class.

Syud Moheeooddeen, Amildar of Bangalore, to be a Native Assistant of the 4th Class.

No. 40.

Major J. Stubbs, Deputy Commissioner, West Berar, Hyderabad Assigned Districts, has obtained 13 days' leave of absence to proceed to Bombay, preparatory to obtaining leave to Europe on medical certificate.

No. 43.

Mirza Ali, Tehsildar, is appointed to officiate as Deputy Collector of Settlements in the Seonee District, Central Provinces, during the absence on sick leave of Deputy Collector Abdool Ruheem.

JUDICIAL.

No. 8.

Seetaram Pundit, Tehsildar in the Central Provinces, is vested with the powers of a Subordinate Magistrate, 1st Class, under Chapter 2, Section 22 of Act XXV of 1861.

MILITARY.

No. 17.

Lieutenant J. Low, Acting Senior Squadron Officer, 1st Regiment Central India Horse, has obtained six months' leave of absence from the 25th April, or from such date as he may avail himself thereof, to proceed to Calcutta for the purpose of qualifying himself for the higher examinations in the Native languages.

C. U. AITCHISON,
Under Secy. to the Govt. of India

PUBLIC WORKS DEPARTMENT.

No. 113.

ESTABLISHMENT.

Fort William, the 15th April 1864.

Appointment.—Lieutenant F. F. Cotton, R. E., is appointed a Probationary Assistant Engineer in the Public Works Department, and posted to the North-Western Provinces, with effect from the 26th January 1864.

R. STRACHEY, *Colonel*, R. E.
Secy. to the Govt. of India.

No. 114.

ESTABLISHMENT.

Simla, the 29th April 1864.

Notification.—Captain J. F. A. McNair, Executive Engineer, Singapore Division of Public Works, availed himself, on the 16th February 1864, of the privilege leave for one month granted by the Governor, Straits Settlements, on the 12th idem, and confirmed in Notification No. 76, dated 12th March 1864, making over charge of the Division to Mr. J. Bennett, Special Assistant Engineer.

No. 115.

The 4th May 1864.

Erratum.—In Notification No. 111, Public Works Department, attaching Lieutenant R. C. B. Pemberton, R. E., to the Public Works Secretariat of the Government of India for special duty, for "Lieutenant" read *Captain.*

No. 116.

Leave.—The preparatory leave for six weeks granted to Conductor A. Connell, Supervisor of Public Works Department, by the Chief Commissioner, Oudh, and availed of by him from 1st March to 15th April 1864, is confirmed and extended to 1st May 1864, or date of starting of the ship "Star of Erin."

No. 117.

Notifications.—With reference to Notification No. 62, dated 3rd March 1864, Mr. John T. Maclagan, Deputy Controller and Examiner of Accounts, Public Works Department, Oudh, reported his departure from India per Steamer "Candia" on the 11th March 1864.

No. 118.

The 6th May 1864.

Captain F. H. Cobbe, late Assistant to the Chief Engineer and Assistant Secretary to the Chief Commissioner, Central Provinces, in the Public Works Department, having reported his return to duty on the 1st April 1864, the remainder of the privilege leave granted him, viz., to the 14th of the same month, is hereby cancelled.

No. 119.

Mr. C. Anderson, Superintendent, Cawnpoor Division Ganges Canal, granted one year's furlough beyond sea in Government North-Western Provinces Notification No. 831 of the 9th March last, reported his departure from Calcutta per Steam Ship "Carnatic" on the 9th April 1864.

No. 120.

Mr. J. W. Inglis, Assistant Engineer, Lucknow Division Public Works, reported his departure for England per Steamer "Bengal" on the 13th April 1864.

R. STRACHEY, *Colonel*, R. E.
Secy. to the Govt of India.

ADVERTISEMENTS.

NOTICE.

It is hereby notified for information that the Government Bullock Train Agency will cease to exist on the 1st proximo. All packages received for transmission prior to that date will be duly delivered, but no packages will be received on or after that date.

2. Arrangements have been made, under contract with the Indian Carrying Company, for the conveyance, at fixed rates of charge, on and after the 1st proximo, of Government Troops, Stores, and Passengers, on all the existing lines of Government Bullock Train and on all other lines in India now served, or which may be served, by the Indian Carrying Company.

3. The rates and conditions of charge for Government Troops, Stores, and Passengers have been fixed as follows:—

I. For the distance conveyed by Rail, 3 per cent. above Railway rates.

II. For the distance conveyed by road.

(*a*) For Government *Stores*, at 1·47 pie per maund per mile, subject to the following provisions, *viz*:—

Fractions of a mile will be regarded as a mile.

No package, however small, will be charged for at a less rate than half a maund; but parties dispatching at the same time more than one package, aggregating one maund or more, will be charged according to aggregate weight.

Fractional parts of a maund, below half a maund, will be charged as half a maund; and above half a maund as a maund.

Light packages may, at the option of the Company, be charged by measurement, at the rate of 5 cubic feet per maund.

No package will be conveyed between two Stations (however short the distance) for less than 3 annas.

(*b*.) For Government *Troops*, including officers, soldiers, women, children and followers. The charge in this case will be made according to the number of Carts (two-wheeled) or Waggons (four-wheeled) required by the authorities despatching the Troops. Each Cart will be reckoned at a complement of 15 maunds of goods, and each Waggon at a complement of 30 maunds of goods; the charge being regulated according to distance, at the rate chargeable for that quantity of goods under the preceding Section (*a*).

The number of Carts or Waggons which may in any case be required will be indicated by the Officer despatching the troops, in accordance with existing Rules in respect of accommodation for troops, or such modification of these Rules as may, from time to time, be made by the Military Authorities.

(*c*.) For Government *Passengers*, at the rate chargeable for stores (Section *a*), each adult passenger (*i. e.* above 12 years of age) being reckoned as equivalent to 3 maunds; each child above 2 years of age being reckoned as equivalent to 1½ maunds; and children of two years old and under, when travelling with their parents or guardians, being conveyed free. Baggage to the extent of 20 seers for each adult passenger and 10 seers for each chargeable child, will be allowed free; but it will be regarded as in the custody and at the risk of the passenger.

If separate Waggons or Carts be engaged for the conveyance of Government Passengers, the charge will be made as for a full cart load (15 maunds) or a full Waggon load (30 maunds) as the case may be, subject to the condition that the number of chargeable passengers conveyed in such Carts or Waggons shall not be more than equivalent to the full complement thereof (15 or 30 maunds) on the calculation of each adult passenger being equivalent to 3 maunds, and each chargeable child to 1½ maunds.

(*d.*) For Government *wheeled vehicles* such as Artillery Ambulances, &c., each two-wheeled vehicle will be charged as equivalent to 10 maunds, and each four-wheeled vehicle as equivalent to 20 maunds.

The charge for Government Troops, Stores and Passengers will be paid by the Despatching Officer in advance, or the Receiving Officer on taking delivery, except in respect of any particular Officers or classes of Officers whom the Government may authorize to despatch Troops, Stores, or Passengers without payment as above, subject to adjustment by bills.

A. M. MONTEATH,
In charge of the Office of Dir. Genl. of the Post Office of India.

CALCUTTA,
The 22nd April 1864.

NOTICE.

Notice is hereby given that Public Service Transfer Receipts will be issued from this date bearing a new series of General Number, commencing with 093393.

E. BICKERS,
Extra Asst. Commissioner.

TREASURY OFFICE;
FYZABAD,
The 21st April 1864.

POSTAL NOTICE.

Under an arrangement made with the Colonial Government of Hong-Kong, letters transmitted by *private vessels* between Hong-Kong and India, on and after the 1st proximo, will be chargeable with postage at the place of delivery only, no postage being levied at the place of despatch. The charge on delivery in any part of India will be at the rate given below:—

Letters:—

Not exceeding ½ oz.	4 Annas.
Exceeding ½ oz. & not exceeding 1 oz.	8 ,,
Exceeding 1 oz. & not exceeding 2 oz.	1 Rupee.
And for every additional oz. or fraction of an oz.	8 Annas.

The above rate is a consolidated rate, no extra charge for bounty money to Ship Captains being leviable.

A. M. MONTEATH,
In charge of the Office of Dir. Genl. of the Post Office of India.

CALCUTTA,
The 23rd April 1864.

WANTED.

Wanted, for the West Berar Suddur Treasury, a Treasurer. Pay Rupees (100) one hundred per mensem. Cash or Government Paper Security to the extent of Rupees (25,000) twenty-five thousand will be required, and a knowledge of Mahratta is indispensable.

Applications, with certificates of character, to be made to the Deputy Commissioner, West Berar, Akolah.

J. T. BUSHBY,
Assistant Commissioner,
in Charge, West Berar.

DEPUTY COMMISSIONER'S OFFICE,
Akolah, 21st March 1864.

BANK OF BENGAL.

Notification.—It is hereby notified that as the present Capital of the Bank is insufficient to meet its requirements, in consequence of the increase of business, principally arising from the establishment of Branches subordinate to the Bank in various parts of the Bengal Presidency, the Directors have determined, under the authority vested in them by Section 6, Act IV of 1862, to increase the Capital from one crore, nine lakhs, ninety thousand, nine hundred and nine Rupees, to two crores and twenty lakhs, by the issue of new Shares or consolidated Stock, under the following conditions :—

1st.—Holders of old Shares will be entitled to claim new Shares at par, in the proportion of one Share for every Share of which they may be registered as Proprietors in the Books of the Bank. Registered Proprietors of consolidated Stock will, in like manner, be entitled to an equivalent amount of new Stock at par.

2nd.—Holders of Shares or Stock, whether in India or elsewhere, shall be allowed, to the 15th day of August 1864, to claim the new issue. All Shares or Stock not claimed by the said date shall be at the disposal of the Directors, who shall cause the same to be sold for the benefit of the Bank, in such manner and at such times as they may deem expedient.

3rd.—Payments in one sum of the amount of Subscription on any whole, half, or quarter Share or Stock, to which any Proprietor may be entitled under this Notification, may be made at any time after the publication thereof. On all such payments prior to the 30th June next, interest will be allowed, at the rate of 8 per cent. per annum, from date of payment to the 30th June ; and the Shares or Stock so paid up shall, thenceforward, be entitled to dividend. On all payments made subsequent to the 30th June, interest will similarly be allowed (at the rate of 8 per cent.) until the 31st December following, from which date the Shares or Stock so paid up shall, in like manner, become entitled to dividend.

4th.—The Transfer Books will be closed from the 16th to the 31st of August 1864, inclusive. All Shares or Stock previously subscribed for, but on which the full amount of Capital shall not be paid by the last mentioned date, will lapse to the Bank and will be at the disposal of the Directors, as provided in Clause 2.

By Order of the Directors,
C. N. COOKE,
Offg. Secretary and Treasurer.

12th March 1864.

CIVIL FUND.

NOTICE.—The half-yearly General Meeting of Subscribers will be held on Wednesday, the 27th July next, at 11 A. M., at the Town Hall.

By order of the Managers,

CIVIL FUND,
The 11th May 1864.

A. M. MONTEATH,
Hony. Secretary.

NOTIFICATION.

Notice is hereby given that, under instructions received from the Government of India, an Officer will be appointed for the purpose of scrutinizing and discharging all debts contracted by His Highness the Maharaja of Mysore since the adjustment of His affairs by Mr. Grant up to the date of this Notification, and that all claims on the part of creditors must be presented and filed in the Office of the Commissioner of Mysore within a period of three months from 1st May 1864.

The conditions prescribed by the Government of India for the adjustment of claims against His Highness will be made known by the Officer appointed for their investigation; but it is to be distinctly understood that all creditors who do not file their claims before the 1st August 1864 will be entirely excluded from participating in the boon now held out, and that no excuses for the non-presentation of claims within the period prescribed will, under any circumstances whatever, be admitted.

L. BOWRING,
Commissioner.

MYSORE COMMISSIONER'S OFFICE,
Bangalore, 14th April 1864.

NOTICE.

With reference to the Notice issued by the Department, dated the 4th September 1863, relative to the sale of Engraved and Lithographed Maps of the Survey of India, to the Public, it is hereby notified for general information, that all applications for the purchase of Maps on account of private use should in future be made to

MESSRS. THACKER, SPINK, & Co.,
St. Andrew's Library,
Calcutta,

as all money transactions with this Office will be discontinued from the 1st May next.

Official applications for Maps "bonâ fide" on the public service, will, as usual, be attended to on application direct to this Office, and for which payment is not required.

H. L. THUILLIER, *Lieut. Colonel,*
Surveyor General of India.

SURVEYOR GENERAL'S OFFICE,
CALCUTTA,
The 9th April 1864.

TABLES OF HEIGHTS

IN SIND, THE PUNJAB, N. W. PROVINCES, AND CENTRAL INDIA,

Determined by the

GREAT TRIGONOMETRICAL SURVEY OF INDIA,

TRIGONOMETRICALLY,

AND BY

SPIRIT LEVELING OPERATIONS,

To May 1862.

WITH MAP.—PRICE Rs. 2-8.

THE GAZETTE OF INDIA.

The Printing Press not having arrived at Simla, the *Gazette of India* will be printed in Calcutta until further orders.

BENGAL ARMY LIST.

The *Bengal Official Quarterly Army List*, No. VIII, corrected in the office of the Adjutant General up to the 1st of April 1864, is now ready. Price five Rupees *in advance*, and eight annas extra if sent by post.

This No. contains a Table of Staff Appointments and Allowances, and the Civil Service List.

Of No. VII a larger number of copies than usual was printed, still several of the later applicants could not be supplied. Early application should therefore be made to

CALCUTTA,
6, *Bankshall Street*,
22*nd April* 1864.

O. T. CUTTER,
Publisher of the
Bengal Official Army List.

THE FINANCIAL STATEMENT

Delivered by the Hon'ble Sir Charles Trevelyan, K. C. B., on the 7th instant, for sale at the Military Orphan Press. Price 8 annas per copy.

9*th April* 1864.

Just Published,

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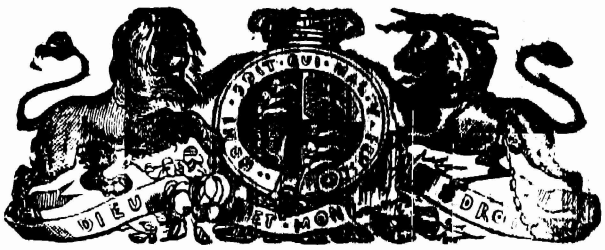
Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*



APPENDIX TO

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MAY 14, 1864.

MILITARY DEPARTMENT.

Simla, 30th April 1864.

No. 388 *of* 1864.—With reference to General Order of the 20th December 1822, the following Statement of Deposits in the Presidency Pay Office, on account of Estates of deceased Native Commissioned and Non-Commissioned Officers and Privates of the Indian Military Forces of Her Majesty, is published for the information of the Army :—

Statement of Sums deposited in the Presidency Pay Office on account of the Estates of deceased Native Officers and Men from January to December 1863, *and remaining unpaid.*

No. and date of letters with which received.	Date of Deposit.	From whom received.	Names of the Parties.	Rank and Corps.	Amount deposited.	Amount paid.	Amount remaining unpaid.
					Rs. A. P.	Rs. A. P.	Rs. A. P.
Statement dated 1st January 1863.	Jan. 14, 1863	Bt. Major J. W. Sandes, Comdg. 3rd Goorkha Regt.	Puddum Sing ...	Sepoy 2nd Co. 3rd Goorkha Regt...	72 4 6	.....	72 4 6
			Dulbeer ...	„ 3rd „ „ ...	8 15 0	.....	8 15 0
			Nur Sing ...	„ 5th „ „ ...	32 11 7	.....	32 11 7
Letter No. 8, dated 5th January 1863.	Ditto ...	Capt. Henry King, Comdg. 13th Regt. N. I.	Goormuck Sing ...	„ 4th „ 13th Regt. N. I....	41 12 5	.....	41 12 5
			Kan Sing ...	„ 2nd „ „ ...	38 4 9	.....	38 4 9
			Hurnund Sing ...	„ 7th „ „ ...	55 7 0	.....	55 7 0
			Med Sing ...	„ 2nd „ „ ...	21 15 9	.....	21 15 9
			Ghassie ...	„ 4th „ „ ...	21 14 11	.....	21 14 11
			Ungguth Sing ...	„ 7th „ „ ...	10 8 7	.....	10 8 7
			Nehal Sing ...	„ 1st „ „ ...	11 10 3	.....	11 10 3
			Shaik Kadir Bux ...	„ 3rd „ „ ...	22 7 5	.....	22 7 5
			Motee Sing ...	„ 8th „ „ ...	8 9 10	.....	8 9 10
No. 18, dated 10th January 1863.	Ditto ...	Major W. J. Fitzmaurice Stafford, Comdg. 22nd Regt. N. I.	Peer Bux ...	„ 8th „ 22nd Regt. N. I....	9 2 9	.....	9 2 9
Statement dated 1st January 1863.	Jan. 15, 1863	Major Drummond, Comdg. 36th Regt. N. I.	Narain Sing ...	„ 2nd „ 36th Regt. N. I....	31 12 10	.....	31 12 10
Letter No. 2, dated 2nd January 1863.	Jan. 17, 1863	Major H. Boisragon, Comdg. 4th Regt. S. I.	Ruggonath Sing ...	„ 5th „ 4th Regt. S. I. ..	3 12 6	.....	3 12 6
			Sawun Sing ...	„ 4th „ „ ...	37 6 4	.....	37 6 4
			Meerkhaw ...	Havildar, 6th Co. „ ...	20 8 11	.....	20 8 11
			Shaik Duraj ...	Sepoy, 6th „ „ ...	36 11 10	36 11 10	
				Carried over ...	486 1 2	36 11 10	449 5 4

Statement of Sums deposited in the Presidency Pay Office,—continued.

No. and date of letters with which received.	Date of Deposit.	From whom received.	Names of the Parties.	Rank and Corps.	Amount deposited.			Amount paid.			Amount remaining unpaid.		
					Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
				Brought forward ...	486	1	2	36	11	10	449	5	4
No. 8, dated 15th January 1863.	Jan. 22, 1863	Lieut. Col. E. F. Watson, Comdg. 11th Regt. N. I.	Bahadoor Khan ...	Havildar, 1st Co. 11th Regt. N. I.	41	4	0	.....			41	4	0
			Jewrawun Ram ...	Sepoy, 1st „ „ ...	14	3	9	.....			14	3	9
			Shaik Dullail ...	Drummer, 4th „ „ ..	5	6	0	.....			5	6	0
			Khoomaun Ram ...	Sepoy, 4th Co. 11th Regt. N. I....	2	0	0	.....			2	0	0
			Surjoo Ram ...	„ 5th „ „ ...	71	10	5	.....			71	10	5
			Bhawul Khan ...	„ 6th „ „ ...	27	7	8	.....			27	7	8
			Hurree Sing ...	„ 7th „ „ ...	4	0	0	.....			4	0	0
			Doorga ...	Lascar, 8th „ „ ...	7	0	3	.....			7	0	3
			Chota ...	Sweeper, 8th Co. „ ...	8	7	0	.....			8	7	0
No. 24, dated 19th January 1863.	Jan. 23, 1863	Lieut. Col. J. Gordon, Comdg. H. M.'s 10th Regt. B. N. I.	Issory Sing ...	Sepoy, 2nd Co. 10th Regt., B. N. I.	163	0	4	.....			163	0	4
			Heeralall Dooby ..	„ 7th „ „ ...	100	6	9	.....			100	6	9
No. 21, dated 18th January 1863.	Jan. 27, 1863	Capt. J. Nisbett, Comdg. 37th Regt. N. I.	Lallji ...	„ 6th „ 37th Regt. N. I....	20	12	1	.....			20	12	1
			Malkan ...	„ 6th „ „ ...	20	4	1	.....			20	4	1
			Mahboob ...	„ 6th „ „ ...	7	2	8	.....			7	2	8
			Rundheer Sing ...	Naik, 7th „ „ ...	26	3	7	.....			26	3	7
Letter No. 7, dated 15th January 1863.	Jan. 27, 1863	Col. C. Prior, Comdg. 1st Goorkha L. I.	Kubbeeram Thappa ...	Sepoy, 1st Co. 1st Goorkha L. I. ...	16	15	5	.....			16	15	5
			Kurbeer Poon ...	„ 1st „ „ ...	3	10	3	.....			3	10	3
			Goordhean Rajpoot ...	„ 3rd „ „ ...	6	8	5	.....			6	8	5
			Dhunjeet Rana ...	„ 3rd „ „ ...	8	11	5	.....			8	11	5
			Dhurm Chund ...	„ 3rd „ „ ...	0	7	5	.....			0	7	5
			Runsing Ghirtie ...	„ 3rd „ „ ...	9	0	0	.....			9	0	0
			Maunsing Rawul ...	„ 6th „ „ ...	10	6	3	.....			10	6	3
			Hurkmony Booratokee	„ 6th „ „ ...	9	2	1	.....			9	2	1
			Naulsing Bogtee ...	„ 8th „ „ ...	21	8	9	.....			21	8	9
			Bhajeeram Goorung ...	„ L. 9th „ „ ...	7	15	7	.....			7	15	7
			Pusooputtee Ghirtee ...	„ L. 9th „ „ ...	7	1	9	.....			7	1	9
			Dulbeer Ghirtee ...	„ L. 10th „ „ ...	1	11	2	.....			1	11	2
			Gungaram Khuttree ...	„ L. 10th „ „ ...	9	6	0	.....			9	6	0
			Ojual Mahra ...	„ L. 10th „ „ ...	13	3	2	.....			13	3	2

No. 7, dated 21st January 1863.	Jan. 30, 1863	Lieut. Col. J. C. Innes, Comdg. 17th L. P. Regt. N. I.	Praug Tewary ...	Sepoy 1st Co. 17th Regt. N. I. ...	6 4 0	.....	6 4 0
			Punchum Sing ...	„ 1st „ „ ...	37 1 0	.....	37 1 0
			Bulbhuddur Sing ...	„ 4th „ „ ...	1 12 0	.....	1 12 0
			Ramloll, Pensioned ...	„ 3rd „ „ ...	3 9 9	.....	3 9 9
	Jan. 26, 1863, & Feb. 2, 1863.	Lieut. Col. E. C. Watson, late Comdg. 68th Regt. N. I., Comdg. 11th Regt. N. I.	Sewperson Sing ...	Jemadar 58th Regt. N. I. ...	48 0 0	.....	48 0 0
Letter No. 15, dated 24th January 1863.	Feb. 5, 1863	Major O. E. Rothney, Comdg. 5th Goorkha Regt.	Hunbeer ...	Sepoy 10th Co. 5th Goorkha Regt.	212 11 6	.....	212 11 6
			Mungul Sing ...	„ 6th „ „ ...	24 6 9	.....	24 6 9
			Ramrutton ...	„ 4th „ „ ...	88 15 6	.....	88 15 6
			Kubbeeraj ...	„ 6th „ „ ...	3 3 6	.....	3 3 6
			Kubbeeram ...	„ 10th „ „ ...	35 6 2	.....	35 6 2
			Jokheea Rana ...	„ 8th „ „ ...	22 13 6	.....	22 13 6
No. 63, dated 3rd February 1863.	Feb. 16, 1863	Major H. S. Obbard, Comdg. 41st Regt N. I.	Indur Sing ...	Jemadar 41st Regt. N. I. ...	8 0 0	.....	8 0 0
			Bheem Sing ...	Sepoy „ ...	26 6 2	.....	26 6 2
Statement dated 14th February 1863.	Feb. 25, 1863	Major J. P. W. Campbell, Comdg. 1st Regt. S. I.	Ram Kissun ...	„ 3rd Co. 1st Regt. S. I. ...	46 12 10	.....	46 12 10
			Hoossam Khan ...	„ 7th „ „ ...	21 6 1	.....	21 6 1
No. 165, dated 16th December 1862.	Mar. 5, 1863	Capt. R. Barter, Comdg. 15th N. I.	Khuzan Sing ...	„ 15th Loodianah Regt. N. I.	123 0 6	.....	123 0 6
No. 18 A, dated 18th March 1863.	Mar. 23, 1863	Major G. N. Cave, Comdg. 24th Regt. P. N. I.	Wallie Mahomed ...	„ 3rd Co. 24th Regt. P. N. I.	24 13 4	.....	24 13 4
			Luchmeer ...	„ 6th „ „ ...	66 8 3	.....	66 8 3
			Dittah ...	Cook 6th „ „ ...	22 3 8	22 3 8	
			Bootah ...	„ 6th „ „ ...	6 12 11	.....	6 12 11
No. 245, dated 16th March 1863.	Mar. 27, 1863	Capt. Fookes, Comdg. Head Qr. 19th Brigade R. A.	Balea Deen ...	Syce Driver 2nd Co. 2 By. 16th Brigade R. A.	21 6 0	.....	21 6 0
Letter No. 1 B., dated 27th March 1863.	April 9, 1863	Lieut. Col. J. L. Vaughan, Comdg. 5th P. I.	Ditta ...	Private 5th P. I. ...	35 9 4	.....	35 9 4
			Bidaroo ...	„ 5th „ ...	0 8 8	.....	0 8 8
			Gowra ...	Bheestee „ ...	14 12 11	.....	14 12 11
Letter No. 15, dated 2nd April 1863.	April 13, 1863	Major G. W. Harding, Comdg. 2nd S. I.	Tubah ...	Sepoy 1st Co. 2nd S. I. ...	23 1 5	.....	23 1 5
			Mungul ...	„ 5th „ „ ...	28 8 11	.....	28 8 11
			Jullim ...	„ 4th „ „ ...	20 14 3	.....	20 14 3
				Carried over ...	2,106 2 4	58 15 6	2,047 2 10

Statement of Sums deposited in the Presidency Pay Office,—continued.

No. and date of letters with which received.	Date of Deposit.	From whom received.	Names of the Parties.	Rank and Corps.	Amount deposited.	Amount paid.	Amount remaining unpaid.
					Rs. A. P.	Rs. A. P.	Rs. A. P.
				Brought forward ...	2,106 2 4	58 15 6	2,047 2 10
Letter No. 15, dated 2nd April 1863.	April 13, 1863	Major G. W. Harding, Comdg. 2nd S. I.	Punchum ...	Sepoy 4th Co. S. I. ...	167 3 7	.....	167 3 7
			Peer Bux ...	Langry 4th ,, ,, ...	9 0 1	.....	9 0 1
			Hoosen Bux ...	,, 3rd ,, ,, ..	5 2 0	.....	5 2 0
			Chooah ...	Sepoy 3rd ,, ,, ...	30 12 3	30 12 3	
			Soojan Sing ...	,, 7th ,, ,, ...	16 8 1	.....	16 8 1
			Noor Mahomed ...	,, 2nd ,, ,, ...	1 10 0	.....	1 10 0
			Sewchat Sing ...	,, 1st ,, ,, ...	32 2 9	.....	32 2 9
Letter No. 435, dated 14th April 1863.	April 23, 1863	Major W. D. Morgan, Comdg. 32nd P. Regt. N. I. Pioneers.	Omed Classy ...	32nd P. Regt. N. I., Pioneers ...	21 10 11	.....	21 10 11
Letter No. 18, dated 28th February 1863.	April 28, 1863	Major G. Holroyd, Comdg. 6th Regt. N. L. I.	Sheer Khan ...	Sepoy 10th Co. 6th Regt. N. L. I.	1 2 10	.....	1 2 10
			Daveedeen ...	,, 10th ,, ,, ...	14 1 7	.....	14 1 7
			Narain ...	,, 6th ,, ,, ...	18 7 6	.....	18 7 6
			Ramadheen Dooby ...	,, 8th ,, ,, ...	33 9 2	.....	33 9 2
			Bhugbut Sing ...	,, 6th ,, ,, ...	6 15 8	.....	6 15 8
			Sheikh Peerum ...	,, 5th ,, ,, ...	17 14 1	.....	17 14 1
			Davey Sing ...	Naik 1st ,, ,, ...	5 10 9	.....	5 10 9
			Kalka Sing ...	Sepoy 7th ,, ,, ...	13 14 4	.....	13 14 4
			BhowanySunkerTewary	,, 10th ,, ,, ...	0 13 6	.....	0 13 6
			Bhyroo Sing ...	,, 9th ,, ,, ...	11 3 6	.....	11 3 6
			Deenaram ...	,, 2nd ,, ,, ...	11 15 10	.....	11 15 10
			Gowree ...	,, 1st ,, ,, ...	38 13 3	.....	38 13 3
			Dheerudge Opudia ...	,, 2nd ,, ,, ...	9 2 1	.....	9 2 1
			Sunker Pandy ...	,, 7th ,, ,, ...	18 7 9	.....	18 7 9
			Sawal Sing ...	,, 3rd ,, ,, ...	1 8 0	.....	1 8 0
			Khooman Sing ...	,, 2nd ,, ,, ...	49 13 2	.....	49 13 2
			Dullel Khan ...	Naik 3rd ,, ,, ...	10 8 8	.....	10 8 8
			Seeram Sing ...	,, 2nd ,, ,, ...	175 1 10	.....	175 1 10
			Davee Chowly ...	Sepoy 1st ,, ,, ...	0 1 11	.....	0 1 11
			Sungurn Tewary ...	,, 1st ,, ,, ...	2 4 3	.....	2 4 3
			Birmah Sing ...	,, 4th ,, ,, ...	11 4 9	.....	11 4 9
			Tackoor Sing ...	,, 1st ,, ,, ...	12 10 4	.....	12 10 4
			Gokul ...	,, 2nd ,, ,, ...	51 14 10	.....	51 14 10
			Siddho Sing ...	,, 4th ,, ,, ...	12 13 6	.....	12 13 6

Statement dated 20th April 1863.	April 29, 1863	Major W. T. Baker, Comdg. 4th Goorkha Regt.	Poonarain Raot ...	Sepoy 1st Co. 4th Goorkha Regt.	14 11 11	.....	14 11 11
			Unoowa Khuttre ...	„ 1st „ „ ...	3 9 9	.....	3 9 9
			Dhunee Chund ...	„ 1st „ „ ...	28 5 7	.....	28 5 7
			Sreekissur Nagurkottee	„ 1st „ „ ...	18 3 3	.....	18 3 3
			Davee-Sing Thappa ...	„ 2nd „ „ ...	80 10 2	.....	80 10 2
			Mansing Lama ...	„ 2nd „ „ ...	6 2 0	.....	6 2 0
			Bulleea Thappa ...	„ 2nd „ „ ...	9 12 0	.....	9 12 0
			Nundia Bhundaree ...	Naick 2nd „ „ ...	45 1 4	.....	45 1 4
			Purtub Birt ...	Sepoy 3rd „ „ ...	7 1 11	.....	7 1 11
			Dhurmeea Ahur ...	„ 10th „ „ ...	31 2 3	.....	31 2 3
			Ranjeet Lohar ...	„ 3rd „ „ ..	2 2 6	.....	2 2 6
			Ramdhoy Thakoor ...	„ 3rd „ „ ..	29 12 2	.....	29 12 2
			Dhurmsing Thukoona	„ 3rd „ „ ...	6 11 7	.....	6 11 7
			Soorbeer Thappa ...	„ 4th „ „ ...	20 3 11	.....	20 3 11
			Chamoo Khawas ...	„ 4th „ „ ..	11 3 7	.....	11 3 7
			Purseram Ghurtie ..	„ 4th „ „ ...	10 14 8	.....	10 14 8
			Soorbeer Thappa ...	„ 5th „ „ ..	44 1 1	.....	44 1 1
			Ramsing Thappa ...	„ 5th „ „ ...	39 10 9	.....	39 10 9
			Bhugtram Thappa ...	„ 6th „ „ ...	8 10 11	.....	8 10 11
			Jaising Chund ...	„ 7th „ „ ...	5 6 7	.....	5 6 7
			Bheerbhan Thappa ...	„ 7th „ „ ...	4 12 10	.....	4 12 10
			Dutto Rajpoot ...	„ 8th „ „ ...	8 1 4	.....	8 1 4
			Runbeer Khuttre ...	„ 8th „ „ ...	20 2 0	.....	20 2 0
			Jewan Ghurtee ...	„ 8th „ „ ...	14 4 9	.....	14 4 9
			Khurrucksing Thappa	„ 8th „ „ ...	19 12 9	.....	19 12 9
			Urjoon ...	Peepawalla 8th Co. „ ...	1 7 1	.....	1 7 1
			Remia ...	„ 8th „ „ ...	2 6 10	.....	2 6 10
Letter No. 82, dated 25th April 1863.	May 7, 1863	Major H. Forbes, Comdg. Bhopal Levy.	Soovruj ..	Sepoy 6th Co. Bhopal Levy ...	16 10 4	.....	16 10 4
			Kalka ...	„ L. „ „ ...	7 15 6	.....	7 15 6
			Ramdial Sing ...	„ „ „ ...	11 0 3	.....	11 0 3
			Soovrujhullee Sing ...	„ 7th „ „ ...	26 2 10	.....	26 2 10
No. 60, dated 28th April 1863.	Ditto.	Officer Comdg. H. M.'s 1st Regt. N. I.	Gundrup Sing ...	„ 8th „ „ ...	40 2 8	.....	40 2 8
			Sumshair Khan ..	„ 3rd „ „ ...	38 2 9	.....	38 2 9
			John Kearney ...	Drummer 2nd Co. Bhopal Levy ...	0 8 0	.....	0 8 0
Statement dated 25th June 1863.	July 9, 1863	Brevet Major J. W. Sanders, Comdg. 3rd Goorkha Regiment.	Dhunneeram ...	Sepoy 10th Co. 3rd Goorkha Regt.	10 5 1	.....	10 5 1
			Buktteer ...	„ 7th „ „ ...	74 15 11	.....	74 15 11
			Bhudroo ...	„ 6th „ „ ...	60 0 3	.....	60 0 3
				Carried over ...	3,701 2 2	89 11 9	3,611 6 5

Statement of Sums deposited in the Presidency Pay Office,—continued.

No. and date of letters with which received.	Date of Deposit.	From whom received.	Names of the Parties.	Rank and Corps.	Amount deposited.	Amount paid.	Amount remaining unpaid.
					Rs. A. P.	Rs. A. P.	Rs. A. P.
				Brought forward ...	3,701 2 2	89 11 9	3,611 6 5
Letter No. 188, dated 4th July 1863.	July 15, 1863	Major R. Larkins, Comdg. 18th Alipore Regt. N. I.	Ramburn Panday ..	Sepoy 3rd Co. 18th Alipore Regt.	27 13 0	.....	27 13 0
			Gunnessee ...	Lascar 8th „ „ ...	3 14 9	.....	3 14 9
			Sheikh Kurreem Buksh	Sepoy 8th „ „ ...	15 4 0	.....	15 4 0
			Sheikh Deen Mahomed	„ 4th „ „ ...	28 12 10	.....	28 12 10
			Sheikh Kuramut ...	„ 7th „ „ ...	19 4 1	.....	19 4 1
			Rutcheha Singh ...	„ 2nd „ „ ...	25 0 6	.....	25 0 6
			Sheikh Manidee ...	„ 5th „ „ ...	2 13 5	.....	2 13 5
			Jankee Sing ...	„ 8th „ „ ...	26 8 6	.....	26 8 6
			Hunkar Mathoo ...	„ 8th „ „ ...	21 9 4	.....	21 9 4
			Mahadeo Sing ...	„ 3rd „ „ ...	15 5 11	.....	15 5 11
Letter No. 188, dated 4th July 1863.	July 15, 1863	Major Larkins, Comdg. 18th Alipore Regt. N. I.	Beharree Roy ..	„ 4th „ „ ...	42 14 9	.....	42 14 9
			Jankee Sing ...	„ 2nd „ „ ...	28 14 7	.....	28 14 7
			Goodhur Sing ...	„ 7th „ „ ...	45 14 10	.....	45 14 10
			Ramtohul Sing ...	„ 6th „ „ ...	15 15 2	.....	15 15 2
			Ukloo Singh ...	„ 6th „ „ ...	31 13 10	.....	31 13 10
			Sewraj Raoot ...	Jemadar 7th „ „ ...	182 4 0	182 4 0	
No. 161, dated 13th July 1863.	July 28, 1863	Major W. M. Garstin, Comdg. 42nd Assam Light Infantry.	Saheb Sing ...	Sepoy 6th „ 42nd Assam L. I. ...	2 6 10	.....	2 6 10
			Bhreegoonath Sing ...	„ 6th „ „ ...	24 6 10	.....	24 6 10
			Jugbee Rai ...	„ 9th „ „ ...	29 12 2	.....	29 12 2
			Jhinguree Sing ..	„ 3rd „ „ ...	283 12 7	.....	283 12 7
			Tilluck Ram ...	„ 2nd „ „ ...	58 12 3	.....	58 12 3
No. 207, dated 13th August 1863.	July 24, 1863	Major R. L. Germon, Comdg. Regt. of Lucknow 16th N. I.	Ramoodit Sing ...	„ 1st „ Regt., Luck. 16th N. I.	29 4 6	.....	29 4 6
			Mihrwan Sing ...	„ 1st „ „ ...	4 1 6	.....	4 1 6
			Hurpaul Sing ...	„ 1st „ „ ...	31 4 0	31 4 0	
			Bhowanee Sing ...	„ 2nd „ „ ...	16 11 0	.....	16 11 0
			Goordeen ...	„ 2nd „ „ ...	28 6 0	.....	28 6 0
			Lall Sing ...	„ 3rd „ „ ...	16 15 3	.....	16 15 3
			Juggernauth Sing ...	„ 5th „ „ ...	11 13 0	.....	11 13 0
			Toolseeram Pandy ...	„ 6th „ „ ...	15 4 6	.....	15 4 6
			Dwarka Sing ...	„ 7th „ „ ...	19 2 0	.....	19 2 0
			Sewumber Sing ..	„ 7th „ „ ...	15 2 6	15 2 6	
			Hunnooman ...	„ 6th „ „ ...	18 3 9	.....	18 3 9

No. 157, dated 22nd September 1863.	Oct. 5, 1863	Capt. A. Gillespie, Comdg. No. 2, P. Lt. Fd. By.	Suntoo Syce ...	Syce No. 12, Punjab Lt. Fd. By.	2 9 9	.....	2 9 9
			Bussawah ...	" " ...	0 10 4	.....	0 10 4
Statement dated 14th October 1863.	Oct. 29, 1863	Capt. I. W. Hoggan, Comdg. 25th Regt. P. N. I.	Mahtab Sing ...	Naick 1st Co. 25th Regt. P. N. I.	36 10 5	.....	36 10 5
			Ramdit Sing ...	Sepoy 1st " " ...	3 11 5	.....	3 11 5
			Shor Sing ...	" 2nd " " ...	40 13 7	.....	40 13 7
			Roorah ...	" 5th " " ...	3 11 0	.....	3 11 0
			Peer Buksh ...	" 5th " " ...	39 14 6	.....	39 14 6
			Sumunder ...	" 5th " " ...	4 12 2	.....	4 12 2
			Khujan Sing ...	" 6th " " ...	0 10 8	.....	0 10 8
			Bhola ...	" 8th " " ...	26 6 7	26 6 7	
Letter No. 169, dated 29th October 1863.	Nov. 4, 1863	Lieut. Col. W. F. Nuthall, Comdg. 3rd Regt. N. I.	Shaick Slayman ...	Havildar No. 1 Co. 3rd Regt. N. I.	2 0 6	.....	2 0 6
			Rugnath Tewary ...	" " " ...	2 0 6	.....	2 0 6
			Umber Sing ..	Naick " " ...	2 0 6	.....	2 0 6
			Dulthumban ..	Sepoy " " ...	1 0 9	.....	1 0 9
			Ramputtee Ram ...	" " " ...	1 0 9	.....	1 0 9
			Gowree Sing ...	" " " ...	1 0 9	.....	1 0 9
			Dowlateea ...	Barber No. 2 Co. " ...	24 5 0	.....	24 5 0
			Balgobind Tewary ...	Subadar " " ...	2 0 10	.....	2 0 10
			Durrias ...	" " " ...	2 0 10	.....	2 0 10
			Rampersaud Tewary ...	Havildar " " ...	2 0 10	.....	2 0 10
			Ramdut Tewary ...	" " " ...	2 0 10	.....	2 0 10
			Pursadee ...	Naick " " ...	2 0 10	.....	2 0 10
			Seetul ...	Sepoy " " ...	0 15 5	.....	0 15 5
			Rampersaud Misser ...	Jemadar " " ...	2 14 3	.....	2 14 3
			Sewdial Singh ...	Havildar " " ..	1 14 10	.....	1 14 10
			Adjudiah ...	Sepoy " " ...	0 15 5	.....	0 15 5
			Khodabux Khan ...	" No. 8 Co. " ...	14 4 0	.....	14 4 0
			Jhalim Chowbay ...	" " " ...	30 0 8	.....	30 0 8
No. 136, dated 4th November 1863.	Nov. 11, 1863	Lieut. Col. Watson, Comdg. 11th Regt. N. I.	Bhuggah Ram ...	Sepoy Gr. Co. 11th Regt .N. I. ...	11 3 0	.....	11 3 0
			Thakour Ram ...	" " " ...	40 4 0	.....	40 4 0
			Bahadoor Khan ...	Havildar 1st Co. " ...	31 15 3	.....	31 15 3
			Chundee Sing ...	Sepoy 1st Co. " ...	11 0 8	.....	11 0 8
			Hungkar Sing ...	" 3rd " " ...	5 5 3	.....	5 5 3
			Jugmohun Sing ...	" 3rd " " ..	1 10 0	.....	1 10 0
			Jankee Sing ...	" 5th " " ...	45 2 9	.....	45 2 9
			Surjoo Ram ...	" 5th " " ...	17 10 8	.....	17 10 8
				Carried over ...	5,259 11 10	344 12 10	4,914 15 0

Statement of Sums deposited in the Presidency Pay Office,—concluded.

No. and date of letters with which received.	Date of Deposit.	From whom received.	Names of the Parties.	Rank and Corps.	Amount deposited.	Amount paid.	Amount remaining unpaid.
					Rs. A. P.	Rs. A. P.	Rs. A. P.
				Brought forward ...	5,259 11 10	344 12 10	4,914 15 0
No. 136, dated 4th November 1863.	Nov. 11, 1863	Lieut. Col. Watson, Comdg. 11th Regt. N. I.	Jowahir Ram ...	Sepoy 5th Co. 11th Regt. N. I. ...	179 6 8	.....	179 6 8
			Oochail Sing ...	" 5th " " ...	61 7 0	.....	61 7 0
			Tooke Sing ...	" 6th " " ...	27 3 2	.....	27 3 2
			Adheen Ram ...	" 6th " " ...	7 1 5	.....	7 1 5
			Budree Sing ...	" 6th " " ...	24 7 3	.....	24 7 3
			Brijloll Ram ...	" 8th " " ...	16 8 1	.....	16 8 1
			Ruheem Khan ...	" 8th " " ...	24 10 5	.....	24 10 5
				Total ...	5,600 7 10	344 12 10	5,255 11 0

FORT WILLIAM, PAY OFFICE,
The 31st December 1863.

C. F. MUNDY, *Lieut. Col.*,
Presidency Pay Master.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 18.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, MAY 14, 1864.

OFFICIAL PAPERS.

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Government of India.

PUBLIC WORKS DEPARTMENT.

Reclamation of Back Bay, Bombay.

The following correspondence regarding the terms on which the reclamation of Back Bay is to be committed to a private Company, is published for general information:—

Memorandum of terms upon which the Reclamation Company will undertake the proposed reclamations in Back Bay.

1. That they shall be permitted to reclaim the whole of Back Bay, or such portion as may appear to them desirable.

2. That they shall hand over to Government one acre out of every five reclaimed by them.

3. That they shall take upon themselves the Government liability to provide land along the shore of Back Bay, for the Railway line to Colaba, such land as may be occupied by the Railway line, or otherwise handed over to the Railway Company, being considered as a portion of the land to be handed over to Government under Clause 2.

4. That should Government desire the formation of a wide roadway or Boulevard, throughout the length of the proposed reclamation, the ground occupied by such roadway shall also be considered as a portion of the land to be handed over to Government under Clause 2.

5. That the Railway Company shall agree to carry earth, &c., for the purposes of the reclamation, at or under a maximum rate of one penny per ton per mile.

6. That the Railway Company shall, if required, devote to the service of the Reclamation Company at least six efficient Engines, with a due proportion of trucks.

7. That in order to obtain stone, &c., for the first embankment, the Reclamation Company shall get possession of the strip of land (coloured yellow on the map) between Back Bay and the sea on the opposite side of Malabar Hill, and that they shall leave the cutting when completed, as a level road through the hill, from water to water, preserving or providing the necessary communications on the upper levels of Malabar Hill; that due regard being had to the public safety, they shall be permitted to lay down tramways across the public road between the reclamation and the cutting as above.

8. That the Railway portion of the reclamation, as shown upon the Railway Company's general map of Back Bay, shall be commenced at once, and that the ground for the inshore Railway's approach to Colaba, shall be the first portion executed.

9. That one-half of the Colaba Railway Terminus shall be next completed; that thereafter acre for acre shall be reclaimed for the Railway Company and the Reclamation Company, until the completion of the Railway Terminus; and that thereafter acre for acre shall be reclaimed for Government and the Reclamation Company, until the completion of the balance of land to be handed over to Government under Clause 2.

10. That if, owing to reference to England or otherwise, there be any delay in obtaining from Government the formal concession to the Reclamation Company of right to reclaim, the Railway Company shall be authorized to proceed with the construction of the inshore line and Terminus, keeping a separate account of the amount thus expended by them, this amount being eventually refunded either by the Reclamation Company or by Government, according as the concession be granted or not.

KIRKEE, 28*th August* 1863. } MICHAEL H. SCOTT, *For the Promoters.*

From Lieut. Colonel H. RIVERS, R. E., Secretary to the Government of Bombay, Railway Dept., to the Hon'ble M. H. SCOTT, —(No. 1834, dated 14th September 1863.)

Having submitted to Government your Memorandum dated 25th ultimo, on the part of the promoters of the Company associated for the reclamation of Back Bay, I am directed to express the general approval of Government to the proposed terms.

Clause 2 is considered a very liberal concession for Government to make, but will be accepted if the undermentioned modifications are made in Clauses 3, 4, 7, 8, 9, and 10.

Clauses 3 and 8.—The Reclamation Company agree to give Government the portions of ground they may require at such situations as Government may point out, whether required for Railway purposes, or for roads, or for widening the open space of the Esplanade, or for building ground.

That the reclamation be raised to a minimum height of 91 feet above the datum of Colonel De Lisle's and Captain Williams' survey.

That only earth, stone, and sand be used for the filling in.

That the present wants of Government are, for

Railway purposes, about	120	Acres.
For widening the Esplanade ...	60	"
For Roads	60	"
Officers' Quarters...	10	"
For other building purposes and contingencies	50	"
	300	Acres.

That the Reclamation Company agree to hand over the ground for Main Line and Passenger Station, say 20 acres, with portion of that required for Goods Terminus, say 30 acres, by October 1864: another 50 by October 1865, and the remainder, October 1866; and for the 300 acres handed over, the Government will give 1,200 acres in any other part of Back Bay in fee simple.

Further, that if the Company require to reclaim any more ground within Back Bay in excess of the above 1,500 acres, it will be optional with Government to levy a rent of Rupees 500 per acre per annum, or to demand their share of the ground which the Company agree to give at the same proportion of 4 : 1.

As to Clause 4. If Government require a wider road for ornament, as well as the general convenience of the inhabitants, the Reclamation Company will also benefit, and the terms should be different to those on which the Company hand over land for Government exclusive use; a proportion of one out of every three reclaimed is considered a fair one for such reservation, and Government would in that case bind themselves to a maximum, say of 60 acres, for land thus taken up; or, as an alternative, that whenever Government require a road to be made wider than the Reclamation Company would otherwise have laid it out, say 40 feet, that the excess area shall be settled for, according to the established proportion of Clause 2.

Clause 7 as follows; In order to obtain material for the land, the Company hereby contract to reclaim, Government agree to assist them in getting possession of the plots marked yellow, as well as for the cutting through the hill to the western shore of Malabar Hill, the Company paying all cost of the land and compensation for the damage. The Company further agree to hand over at a valuation the road left at the base of the cutting, and to construct at their own cost the over-bridges or other communications which Government may require them to maintain at the upper levee.

For Clause 9. If the land required for the Line, and the portion of that required for the Terminus, as mentioned in Clause 3, be handed over to Government at the date therein stated, the Company shall then, but not before, be at liberty to reclaim for themselves, and after that date they may reclaim acre for acre for all they hand over to Government; but if by October 1865 the portion to be handed over to Government is not given over, the Company shall reclaim no more for themselves till that second portion is delivered over, after that, they may be at liberty to reclaim for themselves and hand over to Government acre for acre for all they reclaim until October 1866, but if at that date the land required for the Railway, for the Esplanade, and for Officers' Quarters, be not handed over, no further reclamation shall be undertaken for their own benefit until this has been completed.

Clause 10.—Government will agree to advance the funds for the immediate commencement of the works, the Reclamation Company agreeing to repay the amount if the concession be granted to them.

Government will further require an additional Clause to the effect that in the event of the Company's failing to carry on the work with such vigour as to promise the due fulfilment of the contract, that the privileges granted thereby to the Company will cease, and that Government will have power to declare the contract at an end, and the Company will have no claim for compensation for any supposed benefits realizable under the contract.

From Lieut. Colonel J. P. BEADLE, R. E., Offg. Secy. to the Govt. of India, P. W. Dept., to the Secy. to the Govt. of Bombay, Railway Dept.,—(No. 319, dated 19th January 1864.)

No. 1941, dated 28th September 1863.
No. 2547, dated 19th December 1863.

I am directed to reply to your letters quoted in the margin, regarding the provision of land at Colaba, for the permanent Goods Terminus of the Bombay, Baroda, and Central India Railway.

2. The Governor General in Council has read the carefully prepared history of this discussion, and is willing to consider the question of the site of the terminus, and the approach to it, as definitively settled. The particular line proposed for the Baroda Railway, along the shore of Back Bay, between high and low water-mark, appears to possess the balance of advantages, and to be the most economical that could be adopted.

3. The Government is bound by the contract to furnish the Railway Company with the land required for their works. The quantity at present wanted in this direction is 120 acres, and, as it is now under water at high tide, the Government must either reclaim it, or get it done by others. A proposal has been made to the Government, by a private Company, to reclaim all the land that is capable of being reclaimed, which amounts to 1,500 acres, if the Government, retaining 300 acres itself, will make over the remaining 1,200 acres to the Company, under certain conditions which are discussed in the enclosures of your first quoted letter under reply.

4. It appears to the Governor General in Council that the Public Works establishment at Bom-

bay will be sufficiently occupied in superintending the reclamations in Moody and Apollo Bays, and as there is much more land to be reclaimed in Back Bay than is wanted for any Railway purposes, or other immediate object of Government, the reclamation has more the character of a private than a public work. There should also be greater certainty of speedy execution, if the work were entrusted to a Company connected with the Railway Company, which is in urgent need of the land first to be reclaimed. In addition to these considerations, it may be observed that, were the Government to undertake the reclamation of this large amount of land, it would be involved in a heavy present and prospective outlay, which is not advisable. After mature consideration of the subject, therefore, His Excellency in Council is of opinion that, with certain additional conditions, the terms offered by the Company, as modified by the Consulting Engineer's letter No. 1834, dated 14th September, ought to be accepted. Of this conclusion you have already been made aware by a telegram, dated the 12th instant.

5. In regard to the further conditions, which it appears to the Governor General in Council to be necessary to insist upon, in concluding an agreement with the Company, I am directed to observe that the arrangement explained in Colonel Rivers's letter to Mr. Scott (No. 1834, dated 14th September) is quite precise up to October 1866, with reference to the power of the Company to reclaim land for its own purposes up to that date. But no penalty is stated beyond the negation that the Company shall not reclaim for its own use, until it shall have done a certain quantity of work for the Government. The Governor General in Council considers it essential that, if the Company does not carry out all it agrees to do within the specified time, the Government shall have the power of re-entry, and this should be an absolute power if the quantity of work is not done *up to each period.*

6. The general power, suggested by Colonel Rivers, to resume the grant, if, in the period before October 1866, the work is not carried on with proper vigour, will also be useful, as delay might take place in making a beginning even, and the land is absolutely and urgently wanted for the Railway. For the period after October 1866, it would perhaps be sufficient to stipulate that if, during any year after that date, 50 additional acres at least had not been reclaimed, the Government might, at its pleasure, on giving six months' notice, resume the grant. Or the Government of Bombay and the Company may otherwise be able to agree what shall be due from the Company, after October 1866, to entitle them to retain the exclusive right to operate on this ground. Further, the exact limits of the ground to which the rights of the Company extend along the shore and out to sea should be stated. In case of resumption, some understanding should be come to as to the conditions; I am to suggest that it should be declared that all the land then remaining below the fixed level datum should revert to Government.

From Lieut. Colonel H. RIVERS, R. E., Secy. to the Govt. of Bombay Railway Dept., to the Secy. to the Govt. of India, P. W. Dept.,—(No. 495, dated 2nd March 1864.)

I am directed to submit for the information of the Governor General in Council copy of a letter received from the Promoters of the Back Bay Scheme, offering to forego the concession and to allow it to be put up to public competition.

2. I am also desired to forward copy of the reply sent to it, and to request that His Excellency the Governor General in Council will be pleased to permit the whole correspondence on this subject to be published in the Supplement to the Gazette of India.

3. A note of the heads of agreement also accompanies.

From the Hon'ble M. H. SCOTT, G. STEEL, Esq., and COWASJEE JEHANGHEER, to Lieut. Colonel H. RIVERS, R. E., Secy. to Govt. of Bombay, Railway Dept.,—(dated 20th February 1864.)

With reference to the articles which have lately appeared in a portion of the Local Press, and to the opinion which in some quarters appears to exist that the arrangements made between Government and ourselves for the reclamation in Back Bay are more favorable to us than is compatible with the general interests of the public, we have the honor to state, for the consideration of His Excellency the Governor in Council, that we are prepared, should he so wish, to abandon all claim to the concession, and to acquiesce in its being put up to public auction, or submitted for public competition in such way as to His Excellency in Council may seen fit.

From Lieut. Colonel H. RIVERS, R. E., Secy. to the Govt. of Bombay, Railway Dept., to the Hon'ble M. H. SCOTT, G. STEEL, Esq., and COWASJEE JEHANGHEER,—(No. 494, dated 2nd March 1864.)

I have received and laid before Government your letter of the 20th instant, in which you state that, "With reference to the articles which have lately appeared in a portion of the Local Press, and to the opinion which in some quarters appears to exist, that the arrangements made between Government and ourselves for the reclamation in Back Bay are more favorable to us than is compatible with the general interests of the public, we have the honor to state, for the consideration of His Excellency the Governor in Council, that we are prepared, should he so wish, to abandon all claim to the concession, and to acquiesce in its being put up to public auction, or submitted for public competition in such way as to His Excellency in Council may seen fit."

2. I am directed in reply to state that His Excellency in Council fully appreciates the feeling which has dictated this offer, but he sees no reason to adopt the course indicated in your letter.

3. His reasons for this opinion are briefly as follows.

4. There is nothing new in the general scheme of a Back Bay reclamation; during the last 20 years, various projects have been formed for the purpose, and attempts have been made to get up Companies for their execution. Government has formally offered the right of reclamation on terms at least as favorable to those undertaking its execution as the terms which you have accepted; but no one has hitherto appeared ready actually to undertake the work in consequence of its magnitude, and the large capital required for its execution.

5. The work, however, is one extremely simple in its general character; every resident in Bombay had opportunities equal to your own for judging of its merits as a speculation. When you offered to undertake it, Government gave you no assistance in forming an opinion beyond what was at the command of the public generally, and up to the present time has no reason to believe that there are any other parties in Bombay who would have had the slightest intention of undertaking such a work,

even had the course pointed out in your letter been followed.

6. Government has long been anxious to see works of a remunerative character like this undertaken by Capitalists; and much correspondence has passed between Government and various Companies and individuals who expressed a desire to invest capital in Indian improvements; but though many of the works on which Government would gladly have availed itself of such aid were of a much more simple and directly remunerative character than the Back Bay reclamation, few, if any, such works have yet been undertaken without a guarantee from Government, or subvention in some form or another, relieving the projectors from all serious risk in their undertaking.

7. The concession you required from Government was that of a foreshore at present wholly unproductive, and the work of reclamation was not one which admitted of being divided into portions, each capable of separate execution with moderate capital.

8. Such being the case, any submission of the work of reclamation to general competition before it was known that you had made an offer for it, would only, in the opinion of Government, have been an empty form; it is quite possible that after it had been made known that you had deliberately made a specific offer of terms, your character for attempting nothing but what was likely to be practicable and profitable, might have inclined other parties to offer for the work on terms promising to Government a somewhat greater share in the profits of your labors than that offered in your tender; but Government believes that it would have been a quite unprecedented course to have thus put up to public competition the results of confidence in the soundness of your calculations, and in your personal character for sagacity and enterprise, and any slight apparent improvement on terms which could have been thus secured would, in the judgment of Government, have been dearly purchased at the inevitable risk of transferring the execution of the work to hands less likely to bring it to a successful issue.

9. As Government advances no capital and incurs no risk, the main public object is that the work should be executed as speedily as possible, Government feels that it has in your character the best guarantee it can obtain for securing this object; the terms you have offered are, in the opinion of Government, a very sufficient return for the right conceded, and afford every assurance that the direct profit to the State will be in direct proportion to the success of your enterprise.

10. These are briefly the reasons which, in the opinion of Government, render it not only unnecessary, but unjust alike to you and to the public, to accept the offer contained in your letter.

11. As regards any public comments on the transaction, the Governor in Council believes that the correspondence between the Government of Bombay and the Governor General in Council would entirely satisfy any impartial person with regard to your proceedings in the matter. The Government of India has been requested to make that correspondence public, and should that request be complied with, the Governor in Council believes that the object of your letter will be fully attained in the simplest and most satisfactory manner.

From Lieut. Colonel H. RIVERS, R. E., Secy. to the Govt. of Bombay, Railway Dept., to the Hon'ble M. H. SCOTT and others, Promoters, Back Bay Reclamation Scheme,—(No. 496, dated 2nd March 1864.)

I am directed to forward a note of heads of agreement which include the conditions made under instructions received from the Government of India.

2. If you prefer discussing any of them personally instead of by letter, I shall be happy to meet you.

The Reclamation Company undertake to reclaim for Government such portions of the space within the present limits of Back Bay not exceeding 300 acres, which shall be pointed out by Government, and to hand them over at such times as are hereinafter stated.

In consideration of this, and on the completion of that engagement, Government will grant the Company in fee simple 1,200 acres of reclaimable land, at such situations and within such limits as Government shall approve, the Company preparing a plan to be submitted within six months, which shall show the ground they propose to reclaim.

If any portion of the ground the Company propose to retain for themselves has a water frontage, the Company shall have no rights to the foreshore, unless a special grant be made to them in the agreement to some definite distance, and the space thus granted shall be reckoned in the 1,200 acres above mentioned.

The Company shall, on commencing the work, submit to Government their plan of proceeding, showing what sea walls, if any, they propose to construct, and what arrangements for preventing any nuisance or injury to the public health by unfilled and undrained hollows; they shall engage generally to carry out the reclamation from the shore outwards.

That 20 acres of the ground required for Government, shown in accompanying plan along the foreshore of Back Bay, and 30 acres on the north-west side of Colaba, be handed over to Government by February 1865.

That not less than 50 acres on the north-west side of Colaba further be handed over by February 1866.

That not less than 100 acres be handed over by February 1867, and the remainder by January 1868.

If by February 1865 the land above named be reclaimed and handed to Government, the Company shall be allowed to commence the reclamation of such portions as Government may have sanctioned for the Company's own use; but if by February 1866 the Government demand be not fulfilled, Government shall have the power of stopping any works the Company might undertake for their own benefit.

Further, if by February 1867 the 200 acres required by Government have not been handed over to Government, Government reserve to themselves the power of cancelling the whole grant, and in such case the Government can resume all land or water which may have been granted to the Company which may then remain below the fixed datum.

All the land which has to be handed over to Government shall be raised to at least 91 feet above the datum of Colonel DeLisle's and Captain Williams' Survey.

Of those portions which shall remain in the Company's possession, no buildings shall be begun till the formation level has been raised at least to that height.

Throughout the reclamation, no sweepings or refuse shall be used, nothing but stone, earth, or sand. The Company shall, throughout the reclamation, agree to construct such culverts and drains as are considered by the Municipal Officers necessary for the sewage and surface drainage of all the reclaimed land.

The Company shall submit for the approval of the Municipal Commission the plan they propose for the drainage, and no buildings shall be erected till the design is approved.

The Company shall submit for the approval of the Commission and Government the plan they propose for the roads, streets, and houses which may secure a proper amount of fresh air and ventilation, and this should be so arranged that at least 25 square yards out of every 100 be left clear of buildings and yards, and no buildings shall be erected till the plan is approved.

Government, however, further agree that if for the establishment of any new Town that may be built, they may require the Company to give up a larger area than the proportion above named for open spaces, that half the amount of this excess shall be reckoned in the 300 acres which the Company are to hand over to Government.

Should the Company, on fulfilling all the demands of Government, require a further concession of reclamable ground within the present limits of Back Bay, Government further agree to grant it to them, Government retaining the option of either levying an annual rent from the Company of Rupees 500 per acre, or of demanding from them a share of all they reclaim in such situations as the Government for the time being may point out to be handed over to them under the same conditions as those above named and in the same proportion of one square yard to every four square yards retained by the Company.

From Colonel R. STRACHEY, R. E., Secy. to the Govt. of India, P. W. Dept., to the Secy. to the Govt. of Bombay, Railway Branch,—(No. 69R-1677, dated 11th April 1864.)

I am directed to acknowledge the receipt of your letter No. 495 of the 2nd ultimo, with its enclosed communication from the promoters of the Black Bay Reclamation Scheme, offering to forego the concession, and to allow it to be put up to public competition in consequence of the strictures of a portion of the Bombay Press.

2. The same letter also enclosed a note of the heads of agreement that have been drafted under the direction of the Government of Bombay for the acceptance of the promoters.

3. The Governor General in Council taking the same view of the general question as His Excellency the Governor of Bombay in Council, I am directed to intimate that the correspondence, as suggested, will be published in the Supplement to the *Gazette of India* for general information.

4. With reference to the heads of agreement sent to the Hon'ble Mr. Scott, including conditions made in accordance with the orders of the Government of India, No. 319, dated 19th January, and No. 784, dated 18th February 1864, I am directed to state that the Governor General in Council sees nothing to object to in them, with the exception of the following two points, which seem to call for remark.

5. The Government of India pointed out that no penalty was named for failure to execute the stipulated quantities of work within the respective specified periods, beyond the negation that the Company should not reclaim on its own account, until it had done a certain amount of work for Government, and it was requested that the Government might retain the right of re-entry on the occurrence of any such failure.

6. The stipulations made by the Government of Bombay appear sufficient, except with regard to the first period. It is said that if by February 1865 the specified quantity of reclaimed land is made over to Government, the Company shall be allowed to commence reclamation on its own account. It is suggested that the words "and not otherwise" should be inserted.

7. Also there is one point in the suggestions made by this Government on which no action appears to have been taken, viz., that, after the last named period (which in the new terms is February 1858) there was nothing to prevent the Company retaining the exclusive right to operate on the ground, and not acting on it, and it was suggested that 50 acres, or such other area as might be agreed upon between the Government of Bombay and the Company, should be required to be reclaimed in every subsequent year, failing which, the Government might resume the grant. It appears to the Governor General in Council that some stipulation of the kind is requisite for the protection of the interests of the public.

MILITARY DEPARTMENT.

Result of the experiments made for raising Potatoes from English and New Zealand Potato Seed.

From Colonel H. W. NORMAN, Secy. to the Govt. of India in the Military Department, to the Commissary General,—(No. 289, dated the 9th April 1864.)

HAVING laid before Government the letters from your Office, Nos. 351, dated 8th, and 389, dated 28th ultimo, with their annexures, relative to the experiments made in various places for raising potatoes from English and New Zealand potato seed, I am directed to acquaint you that the Right Hon'ble the Governor General in Council considers that, on the whole, the experiments afford much encouragement, in spite of some failures which must be expected to occur sometimes.

2. The trial of the New Zealand potato seed should, His Excellency in Council thinks, be extended to the Upper Provinces and to the Hills; and I am to request that you will convey to the Officers who have specially interested themselves in the experiments the acknowledgments of Government for their exertions, and that you will encourage them to continue their efforts.

3. Government will be prepared to consider favorably any proposal you may desire to make for obtaining further supplies of English and Colonial seed.

From Lieut. Colonel J. C. SCOTT, Offg. Commissary General, to the Secretary to the Government of India, Military Department,—(No. 4677-351, dated Fort William, the 8th March 1864.)

With reference to the 2nd para. of your letter No. 670, dated 20th ultimo, calling for a report on

the result of the trial with seed potatoes sent out last year from England, I have the honor to state that about 1,300lbs. of seed potatoes, and 4ozs. of potato seed comprising both English and Scotch tubers, were received through Major Ross, and sent on last April to Murree. The whole of the 1,300lbs. of seed potatoes was planted during that month in a selected piece of ground about four miles to the North-west of that Sanitarium, on the Northern slope of the Cooldunna Hill; the 4ozs of potato seed were sown by Deputy Assistant Commissary Lieutenant Fox in his own garden at Murree.

2. The above supply of seed potatoes arrived in good condition, with the exception of about 50 tubers which were rotten, and when first planted gave promise of a favorable return, probably twelve-fold. On receiving information of this, I issued instructions as to the way in which the produce should be disposed of, directing that should the expectations held out be realized, one-half of the produce should be retained for planting next year, and the other half distributed on certain conditions; but, from the annexed copy of a letter as per margin, from Deputy Assistant Commissary Lieut. Fox, it will be seen that last season proved most unfavorable, from the causes therein assigned, for potatoes generally at Murree, and that the outturn was only 400lbs. above the quantity planted. I have therefore been obliged to accede to the proposal of Lieut. Fox to plant the whole of this year's yield again at Murree, reserving distribution of seed to other localities until the result of the next season's crop is known.

* No. dated 17th Feb. 1864, from Lieut. Fox, Depy. Assistant Commissary, to the Executive Commissariat Officer, Rawul Pindee.

3. An experiment has also been tried under the superintendence of Lieutenant Fox, with early varieties of potatoes. It was reported to me in September last, that the planting of early varieties in the beginning of the year, at stations in the Punjab, gave promise of success; and I approved of the experiment being tried. This has accordingly been done in two other localities, between Rawul Pindee and Murree. Between the 18th and 28th January the following descriptions were planted in the Chutter Government garden :—

Mood's early potatoes	5 seers	Imported English varieties.
Early Ash-leaf kidney	5 „	
Round white potatoes	2 maunds	Country varieties.
Khalsa long pink	2 „	

also between 18th and 19th February the following sorts have been planted in the Government garden at Rawul Pindee :—

Kilgom's early.	1 seer	Imported English varieties.
Wood's „	1 „	
Flake „	1 „	
Fox's seedling early	1 „	
Round white potatoes	30 seers	Country varieties.
Khalsa long pink	50 „	

also at two other places planting with early varieties is about to be tried. The result of these experiments will be communicated hereafter.

4. An experiment has also been made by the Executive Officer at Sealkote to introduce the potato into the Jummo Territory, where potatoes have not hitherto been grown, and if the cultivation prove successful, of which there is little doubt, another source of supply will be opened for the use of the Troops at Sealkote, Meean Meer and Jullundur.

5. The cultivation of potatoes, I may remark, has increased vastly during the last two or three years, and so far as the extent of cultivation is concerned, the produce will meet the demand for such portion of the year as potatoes can be either preserved locally, or imported in good condition from a distance at the proper time. The difficulty lies in preserving the root during the three hottest months of the year, not merely in a really wholesome condition, but even in such a state that it can be made use of for food. This is a difficulty which I do not suppose can be surmounted any more in India than it has been in England, where, for part of the year, before the new crops are ready, potatoes for the majority are scarce, most inferior, and at times not procurable. I say for the majority, the wants of the wealthy minority being met by forced early crops, and by importation from the Continent, and in the larger towns and cities, though not elsewhere, the supply is kept up throughout the year.

6. I beg to add that Major Ross reports having despatched 11 more cases of seed potatoes selected by him, and with these on arrival further experiments will be made.

From Lieut. Fox, Depy. Asst. Commissary, to the Executive Commissariat Officer, Rawul Pindee.—(dated Rawul Pindee, the 17th February 1864.)

In reference to Commissary General's letter No. 4229-316 of the 8th current, respecting the seed potatoes sent out by Major Ross.

1*st*.—The Season of 1863 turned out a very unfavorable one at Murree for potatoes in general, and I regret to say the English ones were not an exception. The following may, I think, be considered the cause of the failure. From the time the potatoes were planted, in April and May, there was not a drop of rain till the regular monsoons set in on the 23rd of June; rain and fog continued till the 23rd August. During those two months the sun was scarce ever seen, consequently the plants ran to stalk instead of tubering. After the 23rd of August the rain ceased, this was a month earlier than usual, the sun came out very hot after the rains, and ripened the potatoes in a short time, before the tubers had time to come to their natural size. In addition to this, nearly every field of potatoes in the district was twice eaten down by locusts.

2*nd*.—I had the English potatoes dug up in October, and after they were throughly dry weighed them and found the whole aggregated 1,716lb., this being only an increase of some 400lb. over what had been planted in spring; consequently I should recommend every tuber being kept for seed this year, for which purpose of planting I have cleared a piece of land from jungle and had it dug up previous to winter setting in. I shall plant the potatoes earlier this year than I did last, and this will give them a better chance, as the ground will be wet from the melting of snow and spring rains. This I could not do last year, as the potatoes had not arrived from England.

In nine cases out of ten where the Natives planted potatoes at Murree last year their crops failed, from the reasons above stated.

3rd.—The 4 ozs. of potato seed sent out by Major Ross I sowed in my own garden in May. I kept the beds watered both before and after the rains, and have now six pounds of small tuber, the produce of the seed; these vary in size between a pea and a walnut and consist of kidnies, round ones and of various colors. No doubt I shall have some new and valuable varieties among them.

I propose planting these seedlings in my own garden, where I can have them watered if necessary, and where I shall be able to notice and mark the earliest varieties as they ripen. This will require great attention which I should be unable to give if at much distance from my house.

In conclusion I beg to say that I did not remark one variety of the above potatoes doing better than another; all were equally a bad crop, the tubers though small are well ripened, and I trust the next season will prove a more fortunate one for them than the past one did.

From Colonel J. D. MACPHERSON, Commissary General, to the Secy. to the Govt. of India, Military Dept. Fort William.—(No. $\frac{213}{350}$, dated the 28th March 1864.)

E. C. O. Dinapore, No. 21, dated 14th May 1863, to Commissary General.
E. C. O. Benares, No. 56, dated 24th February 1864, to Deputy Commissary General, Lower Circle.
E. C. O. Allahabad, No. 43, dated 3rd March 1864, to Deputy Commissary General, L. C., with annexures.

In continuation of letter No. 351, dated 8th instant, I have the honor to forward copies of reports as per margin, of the results of experiments made last year at Dinapore, Benares, and Allahabad, to rear potatoes from New-Zealand potato seed.

2. A quantity of the seed was purchased in Calcutta in November 1862, at the instance of the Military Finance Department, and forwarded to the above stations for the purpose of introducing a new kind of potato, so as gradually to improve the potatoes of the district. The results of the planting at the stations may be said to be pretty satisfactory for a beginning, particularly as the seed was received so late in the season. The outturn at Dinapore fell a little short of the quantity planted, but at Benares and Allahabad the yield was good, and the potato pronounced the "best" in India.

3. Results of the experiments that will be made with the seed reserved for next year's planting will be hereafter reported.

From Captain S. CHALMERS, Deputy Assistant Commissary General, to the Commissary General, Fort William,—(No. 21, dated Dinapore, the 14th May 1863.)

This Office letter No. 52, dated 20th November 1862.
This Office letter No. 56, dated 27th November 1862.

Referring to your Office letter No. $\frac{3967}{309}$, dated 11th November last, and in continuation of the correspondence marginally quoted, I have the honor to report having fully sown and grown the New-Zealand potato seed sent me.

Seed.—The outturn I must frankly admit has much disappointed my expectation; but it must be carefully borne in mind—

I. That all the seed received was more or less injured from indifferent packing, and although I actually sowed 14 maunds 22 seers, still, as already reported, only 6 maunds 10 seers were in any thing like good order when it arrived. Indeed, the excess above this quantity was merely sown in the hope that perhaps all the tubers, though to appearance quite decayed, might not be entirely perished.

II. *Season.*—Again the sowing was not fully completed till the beginning of December, which was far too late in the season for satisfactory results to be anticipated. Indeed, this is clearly proved from the fact that some country seed of the white potato sown by me simultaneously showed even a less favorable outturn than that now exhibited of the New-Zealand seed, while the same description of white potato seed sown in my own garden earlier in the season yielded abundantly.

III. *Preparation of Soil.*—Further it must be remarked that no time was given for the proper preparation of the ground by manure, &c., for the reception of the seed.

IV. *Outturn, quantity.*—It will be seen from the subjoined Return that the seed was distributed and grown in five different localities, with the object, as I observed in my last, of obtaining by actual experiment a better knowledge of the soil best suited to the growth of the exotic.

Return showing distribution of New-Zealand Seed Potato, and outturn of each Garden.

Gardens.	Quantity of each.	Date of sowing.	Date of digging up.	Outturn of each.	Cost of tending.	REMARKS.
	M. S. C.			M. S. C.	Rs. A. P.	
Brigr. Macpherson, C. B. ...	0 7 0	27th Nov. 1862	from end of March till the middle of April 1863.	0 4 0		Very small.
Major Emerson, Cantonment Joint Magistrate ...	0 7 0	,, ,,		0 26 0		Small and indifferent in quality.
Capt. Chalmers, Depy. Asst. Comsy. General ...	0 20 0	,, ,,		1 15 0		A little better, but still not full grown.
Public Gardens ...	12 2 0	27th, 28th & 29th Nov. 1862		0 28 0	54 9 6	Very small and nearly worthless.
Orderly Bazar Gardens ...	1 26 0			10 32 0		Fair on the whole; some very fine potatoes indeed of excellent quality.
Total ...	14 31 0			14 5 0		

V. *Description of Soil.*—It will not fail to strike your observation that, while the seed grown with equal care in all the other localities has resulted in failure, that grown in one described as the Orderly Bazar garden has yielded, comparatively speaking, and considering the adverse circumstances above referred to, a most satisfactory outturn. The soil of this piece of ground may be described as a "sandy alluvial," while that of the other lands sown is more of a light loamy nature. It is to be regretted that, owing to the lateness of

the season and the lands being already under cultivation then, I could not, as I had hoped to do, obtain a trial of the seed at Hazeepore, where the land is particularly suitable. But I hope that I may be enabled to do this in the ensuing season.

VI. *Quality.*—Though not distinguishable on arrival here, the seed supplied to me was of two different kinds of potato. One a large oval shaped white variety, the other a large bluish red and longer shaped description; both of excellent flavour and quality, far superior to any of the varieties I have seen in this country, the hill kinds not even excepted. I may add that both kinds appear to be exceedingly hardy, being very close grained and firm with the tubers very deeply seated. I have no doubt that these potatoes will keep good till much later in the season than the common kinds in this county. Indeed, I think if grown in suitable soil, they might be so sown as to yield a supply lasting throughout the whole year.

As already remarked the seed sown in other localities than the public gardens has resulted in failure. This not only as to the actual yield but as to the size and quality of the potatoes themselves; but in the Orderly Bazar garden I myself, previous to proceeding on leave in the middle of March last, had the roots of several of the plants exposed to ascertain progress, and found in some no less than 8 or 10 very large size potatoes, which proves that if planted under favorable circumstances very large yields might be expected from the New-Zealand seed.

VII. *Cost of producing.*—No proper comparison can be here given by me of the cost of producing, but the subjoined is the cost of tending the plant in the Public and Orderly Bazar gardens, the latter containing about a beegah of land.

		Rs. As. P.	Rs. As. P.
1 Gardener from 25th to 30th Nov. 1862,	@ 5 1 0 0		
1 Ditto 22nd to 30th ditto	@ 4 1 1 0		
1 Chowkedar „ 27th to 30th ditto	@ 4 0 8 6		
			2 9 6
For December 1862, 1 Gardener	@ 5 5 0 0		
1 Ditto	@ 4 4 0 0		
1 Chowkedar	@ 4 4 0 0		
			13 0 0
For January 1863, do. ditto			13 0 0
For February „ do. ditto			13 0 0
For March „ do. ditto			13 0 0
		Total	54 9 6

In conclusion I would remark that, though the results of this season's sowing have proved so unsatisfactory, I am still very far from being disheartened, and only turst that the experiment may not be considered to have resulted entirely in failure. This I think would be very unfair indeed, and I would beg it as a particular favor in return in some sort for the care and attention I have bestowed in making the experiment that at least some portion of the produce, for the disposal of which I await your orders, may be apportioned to me, in order that I may be enabled to continue the experimental growing under more favorable circumstances.

My absence on leave has prevented my earlier furnishing you with the above report.

From the Executive Commissariat Officer, Benares, to the Deputy Commissary General, Lower Circle, Calcutta,—(No. 56, dated Benares, the 24th February 1864.)

Referring to your Circular No. 341, I have the honor to inform you, that, in July last, I received five maunds of New Zealand potatoes from the Dinapore Commissariat. I was only able, however, to preserve two maunds for seed owing to the lateness of the season at which they were sent me. These I had planted in my own garden in the commencement of October, and have only just dug them up, obtaining an outturn of ten and a half maunds of the best potatoes that I have tasted in India.

2. I have to observe that the plants did not flower, and they died off altogether a month or so before the potatoes were dug up.

3. It seemed to me that the outturn was very small, and I cannot help thinking that the cause of the plant dying off was owing to the thieving propensities of the mallees, who must have exposed the roots in removing small quantities of potatoes from time to time; yet it is strange that all the plants should have died off, and yet the potatoes which I have are so good.

4. This year's outturn I have carefully stored with a view to planting on a larger scale for seed to be given out to Native cultivators during the sowing season.

5. Since my report No. 47 of the 11th instant, I have induced an Agent to lay in a store of good potatoes for issue during August, September, and October, during which time he is to receive eight Rupees per maund, provided the potatoes are of unquestionable quality, but he has been given clearly to understand that under no circumstances will compensation be awarded in case of failure.

6. If this plan succeeds, the Troops will in future receive potatoes all the year round, as Hill potatoes will be issued in November and December.

From the Executive Commissariat Officer, Allahabad, to the Deputy Commissary General, Lower Circle, Fort William,—(No. 43, dated Allahabad, the 3rd March 1864.)

With advertence to my letter No. 72 of 11th April last, I have the honor to send a copy of a letter No. 183 of 27th ultimo, from Dr. Hooper, Superintendent of the Central Jail here, reporting the result of the New Zealand potato seed sown this last cold season in the Jail garden.

2. Of the 3 maunds 36 seers 12 chuttacks seeds retained at the Jail during the hot weather all is reported to have gone bad excepting 10 seers, which were cut and sown on the 22nd of October, and have yielded 3 maunds 3 seers of pretty well-sized potatoes, whilst of 30 seers of seed received from me on the 31st October and sown on the 8th November, the outturn has been only 1 maund and 9 seers of small-sized potatoes.

3. Of 3 maunds 20 seers of seed retained by me, 6 seers of potatoes that had sprouted were sown on the 19th of September and have yielded 9 seers of pretty well-sized potatoes, whilst of 10 seers of seed sown on the 16th October by Captain Bradford's orders in trenches as done at Peshawur, the outturn has been 27 seers of small potatoes.

4. In addition to the 16 seers sown in my garden, 30 seers (all that remained good from last year) were handed over to the Jail garden, the produce of which is reported above.

5. I have both last year and this year noted that the New Zealand potato springs more quickly and stronger, and that the stem and leaves die

down again in a shorter time than the country potato does, whilst the seed earliest sown in both gardens has yielded the best description of potato: from this, I think we may conclude that the New-Zealand seed is of an early description and may be sown any day after the 15th September.

6. Very heavy rain fell here last year after the first sowing, and yet the potatoes from the first sowing look larger and healthier than those of the second sowing.

7. As Dr. Hooper reports the soil of the new Jail gardens across the river Jumna likely to suit potatoes well, I would propose to hand over the whole of the seed to him for trial early next season, and would suggest that another fresh batch of New-Zealand potato seed should be obtained for trial in localities where potatoes now grow well, but the potatoes should be obtained so as to reach destination in the first half of the month of September.

MEMORANDUM.

Where sown.	When sown.	Area of ground.	Weight of seed.	Weight of outturn and quality.
Major Macpherson's garden.	19th Sept. 1863	B. Bis. Dh. 0 0 15	6 seers.	9 Seers—some of the potatoes of good size; others small.
	16th Oct. 1863	0 3 0	10 seers.	27 seers of a small size, but will answer for seed.

(Signed) R. D. MACPHERSON, *Major*,
Asst. Comsy. Genl.

ALLAHABAD;
EXECUTIVE COMMST. OFFICE,
The 3rd March 1864.

From Dr. W. R. HOOPER, Officiating Superintendent, Central Prison, to Major R. D. MACPHERSON, Assistant Commissary General, Allahabad,—(No. 183, dated the 27th Feb. 1864.)

I have the honor to submit the following report and accompanying statement of the outturn of potatoes grown from New Zealand seed in this Central Prison garden.

2. The outturn of the previous year, about 3 maunds, not having been properly stored with a view to preservation, rotted and was destroyed by insects, with exception of 10 seers found fit for seed in October last. The outturn of these 10 seers was highly satisfactory; the potatoes being all of a good size, a few were exhibited at an exhibition of vegetables at this station and obtained a special prize.

3. The outturn of the 30 seers of inferior seed sown in November was not so satisfactory; this result is attributable to the bad quality of the seed.

4. The total outturn, 4 maunds 12 seers, is now in store. I propose to pack it away between layers of sand in boxes, keeping each potato separate from the and to sow the whole next season in the new Jail gardens at Areal, the character of the soil here being well suited to the growth of potatoes.

I shall be obliged by your informing me whether you approve of my proposition.

MEMORANDUM.

Where sown.	When sown.	Area of ground.	Weight of seed and cut.	Weight of outturn and character.
Allahabad Central Prison.	22nd Oct. 1863.		10 seers cut according to the eyes.	3 mds. 3 seers of good sized healthy potatoes.
Superintendent's Garden, Old Jail.	8th Nov. 1863.	0 4	30 seers of small dry eaten seed cut.	1 md. 9 seers of small sized potatoes.

Government of Bengal.

Tea Cultivation in Assam.

From Lieut. Colonel H. HOPKINSON, Commissioner of Revenue, Assam, to the Secretary to the Government of Bengal,—(No. 194, dated Gowhatty, the 2nd April 1864.)

I HAVE the honor to submmit the following report on the progress of Tea cultivation in this Province during the year 1863.

2. The Statement in the margin shows the number of factories commenced during the year, the extent of land under cultivation, the outturn during the past year, and the estimated outturn for the year 1864. The general results, it will be seen, are satisfactory.

	No. of Factories in 1862.	In 1863.	Increase.	Extent of land under Tea Cultivation in 1862.	In 1863.	Increase.	Outturn of 1862 in lbs.	Outturn of 1863 in lbs.	Increase.	Estimate out-turn for 1864.
Luckimpore...	51	51	5	4,974	7,874	2,900	4,68,911	5,15,420	46,309	6,03,438
Seebsagur ...	138	143	5	10,406	12,370	1,963	13,83,285	6,08,377	2,25,113	18,33,489
Nowgong ...	16	36	20	2,462	4,023	1,561	1,52,525	1,92,402	39,877	2,72,156
Durrung ...	15	25	10	1,369	1,722	353	1,00,000	1,11,110	11,110	1,33,330
Kamroop ...	30	46	16	1,027	1,553	526	40,794	43,075	2,281	46,637
Gowalparah...	1	14	13	971	1465	50		582	582	1,164
Total	251	320	69	21,809	28,007	6,198	22,25,515	25,00,966	2,75,451	32,09,214

3. *Luckimpore.*—In the Luckimpore District the extent of land under Tea cultivation in the year 1852 was only 510 acres. At the close of the past year it was 7,874 acres, and of this no less than 2,900 acres were planted out during 1863, being about $\frac{2}{3}$ths of the entire area brought under cultivation in the province in that year.

4. The extent of land held under jungle grant or rent paying pottahs for Tea planting in this district is 31,037 acres, of which 9,227 were taken up during the year under report, exclusive of numerous tracts of waste lands applied for under the new Rules but which have not been put up to auction, owing to the applicants having neglected to put in sketch maps showing the boundaries of the lots asked for.

5. There are 4,246 laborers engaged in the Tea factories in Luckimpore. Of this number 2,503 are local and 1,743 imported. The number of laborers in this district was stated in last year's report to be 3,838, of which 1,524 were imported and the remainder local. Although an increase of only 219

imported laborers is thus shown over those in the district in 1862, the actual number imported during the year is considerably greater as a large proportion of them either die after they reach their destination or abscond to their homes in Bengal. The number of local laborers is, I believe, under-stated as planters do not reckon in their return the coolies employed by contractors in their service or Villagers who are paid daily for the work they do. At lest this is the only way in which I can account for the large extent of land brought under cultivation during the year with the small increase in laborers over last year as shown by the returns.

6. The price of labor, the Deputy Commissioner observes, continues to rise. Some attempts he says, were lately made by the Upper Assam Tea Planters' Association to regulate the rates, but so long as the present rush for Tea planting continues it will be impossible for new comers to abide by any fixed scale of wages for coolies. Tea seed was selling last year for Rs. 150 to Rs. 200 per maund, and as it deteriorates in quality by being kept unplanted for any length of time, it is obviously to the interest of a person just starting in Tea planting to pay even double rates for coolies than to risk the chance of losing his valuable seed by not having it planted out in the proper season. I may here add that the pecuniary loss incurred by Tea seed spoiling and losing its vitality, although very great (now that it commands such a high price) is still secondary to that caused by the Planter's loss of time and his operations being retarded. In such a state of things it seems surprising how the price of labor has kept down so long, and instead of Rs. 5-5-8 and Rs. 6 per month, which the Deputy Commissioner seems to think are high rates for wages, the marvel is that it is not considerably higher as I expect it will be before long if Tea planting continues to advance in this district so favorably as it has done during the past year.

7. The Deputy Commissioner says that the great uncertainty and delay in getting possession of land under the new rules have in numerous cases caused Planters to prefer taking leases under the ordinary settlement rules of the district, and that rent-paying pottahs with an annual assessment of Rs 6,851-12-0 were issued to Tea Planters during the year. I am of opinion, however, that it is not the uncertainty and delay of getting land under the new rules, but the competition, and consequently high price that has to be paid now for really good land at the sales that leads the Planter to take land under pottah.

8. The outturn of manufactured Tea was 5,15,420 lbs., all of which was exported to England.

9. *Seebsagur.*—Tea planting in this district does not appear to have made the same remarkable progress which it has done in Luckimpore. It is satisfastory, however, to notice that about 2,000 additional acres of land were brought under cultivation during the year, and the increase in the outturn of made Tea was 2,[illegible],112 lbs. over that of last year. Of the entire outturn of 10,80,156 lb. in 1863, 8,25,600 lbs. was the produce of the Assam Company's Gardens alone, which shows that the outturn of the other Companies and private Planters was only 2,38,556 lbs., or considerably under half the produce of the gardens in Luckimpore. There are 20,994 laborers employed in the different factories in Seebsagur. Of this number 6,386 are imported and the remainder belong to the district; it would appear that 2,000 laborers were imported during the year.

10. *Nowgong.*—It is satisfactory to notice the progress made in Tea planting in this district during the past few years and especially during the year under report, in which no less than 20 [illegible] factories have been established, and 1,561 acres [illegible] been planted out with Tea.

11. The number of imported laborers is 3,143, being 107 over that obtained from local sources. The outturn during the year was 1,92,406 lbs. of manufactured Tea, showing an increase of 37,877 lbs. over last year's crop.

12. *Durrung.*—In Durrung only 353 acres of land were planted out during the year and the increase in the outturn was very small. There has been, however, a considerable accession of new Planters during the year, and the result of their operation will probably make the returns for this district for 1864 look more favorable.

13. There are only 480 imported laborers in Durrung; the remainder are local.

14. *Kamroop.*—Tea planting has been making steady progress in Kamroop, but there is hardly any increase perceptible in the outturn of the year under report over that of the preceding one; in fact there has been a falling off in the produce of some of the gardens, whilst that of others has remained nearly stationary, and the result is a total increase of only 1,281 lbs. of Tea. The shortness of the crop is, I believe, attributed by the Planters in Kamroop to an unusually unfavorable season; no rain fell till April, and the leaf plucking was nearly a month behind hand.

15. Almost all the coolies employed are obtained from local sources.

16. *Gowalparah.*—I have very little to say in regard to this district. Its soil is rich, and suited for Tea, and there is an abundant supply of waste land, but it lies under the withering influence of the perpetual settlement, and so there are only a few small gardens held by Natives, where Tea is grown, and where I am told it thrives luxuriantly, just as it were to show what might be done if the district were as free to advance as the rest of Assam.

17. *General Remarks.*—To sum up, there are at present 1,70,000 acres of land taken up for Tea cultivation. Of this area over 27,000 acres are now cleared and planted and afford employment to nearly 28,000 laborers, and to several hundreds of respectable Natives engaged on the Plantation as Clerks, Mohurers, Contractors, &c., besides opening out a wide field for European agency.

18. The value of the total quantity of Tea produced last year and exported to England is estimated at about 2,50,000£ Sterling, and the value of the estimated outturn for this year is considerably greater.

Government of Fort St. George.

Sowing of Egyptian Cotton Seed.

From the Collector of Malabar,—(No. 283, dated Calicut, 30th December 1863.)

No. XCVIII, dated 17th November 1863.

Adverting to the Board's Circular noted, I have the honor to submit a few brief remarks on the result of the sowing of Egyptian Cotton seed forwarded by the Board from time to time for experiment.

2. The seed was distributed to the Tahsildars of the various Talooks for distribution to intending cultivators.

3. The Cherakel Tahsildar had some seed distributed to several of the principal inhabitants of his Talook, and some was sown by himself in the Talook Cutcherry compound.

The seed sown has generally germinated. In some cases the plants have suffered by the rains. In many they promise well.

I beg to submit a specimen of Cotton grown in the Talook Cutcherry compound, as well as specimens of the plants grown on Ponam lands. These were forwarded to me by my Sub-Collector.

The plants and bolls are strong and large, and the staple seems fair, though the specimen Cotton has not been picked with as much care as could be wished.

4. In Koteyom, 30 lbs. of seed were sown by the head of a village on a piece of ground measuring 11 acres; owing to the rains, only some of the seed has germinated; a few of the plants are in a thriving condition.

5. The Kurumbranad Tahsildar had the seed distributed in nine Amshoms. The seed germinated, but the rain has destroyed all the plants save a few in three Amshoms, and even these are reported sickly.

6. The experiment made by the Calicut Tahsildar in nine Amshoms has been a total failure, none of the seeds having germinated.

7. The Ernad Tahsildar had some seed sown in different places in his Talook. The seed germinated, but the plants with a few exceptions have been destroyed by the rains. The remainder budded in abundance, but the October rains destroyed the blossoms. They are about blossoming again.

8. The greater portion of the seed sown in Ponany has rotted from the effects of the rains, and the plants that came up have all died away.

9. In Wallawanad the seed was sown in nine different localities, but it only germinated in two places.

Some Peruvian Cotton seed was also sown in this Talook in beds two and three feet apart. But few seeds germinated, and after putting forth two or three leaves, these gradually died away.

10. The result of the experiment made in the Palghat Talook has not been reported as yet; 21 maunds of seed were sown on the 28th July and 10th August last in 21 acres of land by the Melal, or headman, of a place called the "Modelwada Pradeshom." Five hundred and odd acres of land in the same place are being prepared for Cotton cultivation. The result will be reported in due course. There are considerable capabilities for Cotton cultivation in this Talook.

11. Cotton seed was also distributed to several private parties interested in its cultivation. I have not as yet heard the result of their experiment, nor have I any information regarding the result of experiment in Wynad, in the eastern portion of which Talook there are undoubted capabilities for this culture.

12. I have no doubt that Egyptian Cotton will thrive well in many parts of this district. The native growers in most Talooks appreciate the importance of its cultivation. It is well worth persevering in distributing seed, and this, in my opinion, should be done as extensively as possible, in small quantities to each recipient. As they raise a few plants, they find promise of returns, and extend their number, and in a few years the aggregate result becomes important.

Important at any rate locally, and therefore worthy of attention. But except parts of Palghat and Wynad, I do not think Malabar will ever extensively produce Cotton for foreign consumption.

From the Acting Sub-Collector in charge of Malabar,—(No. 7, dated Calicut, 12th January 1864.)

Dated 7th instant, No. 3.

In continuation of Mr. Ballard's letter No. 283 of the 30th ultimo, I have the honor to forward copy of a communication from the Deputy Collector of Wynad, reporting the result of the experiment of Cotton cultivation in that Talook, together with a sample of Egyptian Cotton grown there.

2. Adverting to paragraph 5 of Mr. Ballard's letter, I beg to forward samples of Peruvian and Egyptian Cotton, with a few bolls of the latter, grown in the Kurumbranad Talook.

3. The staple, though the Cotton has not been picked with care, seems good.

4. In my opinion the locality which promises to grow the best Cotton in Malabar is the Cherakel Talook, the Ponam lands of which are very well adapted to it.

5. The seed must be sown in the month of August.

ENCLOSURE No. 1.

Memorandum from H. RICHARDSON, Esq., Deputy Collector, to J. H. GARSTIN, Esq., Acting Sub-Collector in charge of Malabar,—(No. 3, dated Manantoddy, 7th January 1864.)

With reference to the Collector's Memorandum of the 7th November last, No. 3835, the Deputy Collector of Wynad has the honor to state that the Cotton seed then forwarded was too late for sowing, the proper time for doing so being August or September. Mr. Smith, the Executive Engineer, however, tried a small quantity, which came up, but it was by very careful sowing in a nursery and being constantly watered.

2. Of the former supplies of seeds received, portions were distributed to the planters; and as the natives could not be persuaded to try the cultivation, the Deputy Collector had two plots of land near Sultan's Battery sown at his own expense, but regrets to state that they have proved a complete failure.

Sown in 1859, and the trees are still growing luxuriantly without any care. A sample of the Cotton is herewith sent.

3. Mr. Bassam (a Planter) who tried Cotton in Wynad a few years ago, and sent a sample of the produce to England, of which he received very favorable reports from the Brokers, states that the Egyptian is the only description that succeeds in Wynad, and that it ought to be sown in August. Under these circumstances, the Deputy Collector solicits that a supply of this seed (Egyptian) may be furnished to him in June or July next, when he will do his best to get the Planters as well as Natives to give it a fair trial.

Cotton-experiments at Cuddalore.

From the Collector of South Arcot,—(No. 2, dated Kalacoorchy, 6th January 1864.)

I beg to forward to the Board of Revenue the accompanying copy of a report on the result of certain Cotton experiments made by Messrs. Keess and Gibbs, residents of old Town Cuddalore.

2. I am sure the Board will agree with me that this report is of much interest, and the details entered into of the mode and manner of cultivating the various kinds of Cotton seed will be found generally useful.

3. Messrs. Keess and Gibbs have evinced a real earnestness in their experiments for the improved culture of Cotton, and they have not been backward in incurring a considerable expenditure in order to give full effect to their efforts, and it has also been their wish and aim to give to others the benefit of their own experience and knowledge.

4. I cannot think that as yet a fair trial has been made of the Peruvian Cotton, as far as experiments in this district are concerned. The Cotton seed did not reach me until long after the prescribed season of planting, and consequently in no case can the result be held to afford correct data by which to estimate the value of this species either the ordinary produce of each plant. I believe myself that the Peruvian Cotton is a very hardy plant, and with a little care and nurture in the early stages of its growth, would prove far more remunerative than most other kinds, while the care with which the Cotton is removed from the pod is a very great consideration in its favor.

5. In the past year none of the Cotton which the Board forwarded to me reached in proper time, and thus I may say another season has been lost which is much to be regretted, because it is obvious that while so important a point is overlooked as the right season for planting, the result of any experiment cannot be regarded as a safe test of the virtue of the Cotton or of its adaptation to India as a marketable product; and so long as the result thus continues uncertain or unsettled, it is impossible to expect that Native farmers generally will be tempted to introduce it in lieu of the ordinary species to which they are accustomed, and which gives them so little trouble in its cultivation and management.

6. Mr. Keess is a retired Apothecary of the Madras Medical Service, and Mr. Gibbs is the Head Master of the Depôt School at Cuddalore. They are both greatly respected, and are ever foremost in interesting themselves in any project or scheme for the general good; and I have already had occasion to realize the advantage of their presence in the locality where they permanently reside. The expression of the Board's satisfaction at the interest they have shown in Cotton cultivation, and at the present report on their recent experiments would, I think, prove gratifying as well as acceptable.

7. The Xmas holidays followed so closely on my receipt of the report, that I deferred addressing the Board until now.

Enclosure No. 1.

From Messrs. D. Keess and H. Gibbs, to C. W. Reade, Esq., Collector of South Arcot,—(dated Cuddalore, 19th December 1863.)

We beg to furnish a report of the result of our Cotton experiments.

The species experimented with comprise—

1st, Peruvian; 2nd, Egyptian; 3rd, Sea Island.

The two first furnished by you, the third obtained elsewhere.

The *Peruvian* Cotton seeds were sown on the 28th October 1862, in a bed specially prepared. The seeds germinated between the third and seventh day; the failures were not more than 3 per cent. The seeds were simply dibbed in the earth from an inch to an inch and a half in depth, and carefully watered.

The young plants grew vigorously and appeared remarkably healthy. When about six weeks old, their height, then averaging twelve inches, they were transplanted.

The ground selected was sandy in some parts, with a substratum of clay; and in part consisted of rich vegetable mould.

The different species of Gossypium, especially the exotics, throw out a tap root of some length. We therefore had holes dug three feet square and nearly four in depth. These were eight feet apart, and filled in with earth to within six inches of the surface. When there were no rain, the plants were watered every second day; but often they had attained a height of eight or ten inches every third day.

When the plants were four months old, their height varying from four to six feet, and having fine, broad, healthy-looking leaves, and vigorous stems, they blossomed and podded; but in about six weeks the blossoms and pods, with the exception of two, withered and dropped. These two matured, and the bolls looked healthy. We enclose the Cotton obtained from one, which weighs twenty-two grains.

The staple is long, and apparently fine, and but very slightly adherent to the seeds. Coincidently with the blossoming of the plants, they were attacked by a grub, which either insinuated itself at the point of union of the leaf with its stalk, or the upper part of the leaf stalk itself, and ate its way downwards. Its presence was indicated by a drooping of all that part of the branch above where it was found. Every morning and evening the branches that were drooping were cut away with a penknife, and the plants were thus saved. When the plants were seven months old, their height being then about eight or nine feet, they again blossomed and podded, but only to wither and drop as on the first occasion.

Three months subsequently, the same thing occurred. On both these occasions not a single pod arrived at maturity, nor were the plants attacked by grubs a second time.

On the 19th October there was a gale, when the plants suffered considerably; several were broken close to the root, and nearly all had a good many branches broken. The height of the plants at this time was as follows: those planted where the soil consisted of vegetable mould, were about fourteen feet high, with lateral branches from seven to nine feet in length; the others were about ten feet high, their lateral branches averaging five feet. The distance between the plants, eight feet, was too near. They should not be less than twelve feet apart,—sixteen would be better, for the branches become so intimately entwined as to leave no passage between them, and ventilation becomes very much impeded.

Immediately after the gale of the 19th October, we had the plants cut down to five feet, and the lateral branches were considerably trimmed. The

plants are now flowering for the fourth time; and as the blossoms and pods look promising, we hope there will be a fair yield of Cotton. Continued rainy weather for several days has always acted prejudicially on the flowers and pods, as then they nearly all drop off.

In December 1862 a few seeds were sown in a small plot of ground; these received no watering, but what they obtained from the rains. Their growth has been slow, they look dwarfish, their lateral branches being few and slender. These are now for the first time in flower.

Egyptian Cotton.

Upwards of 3,000 young plants were transplanted from a nursery to a piece of ground two Cawnies in extent, where holes had been dug three feet square, three deep, and six feet apart; but on account of the proximity of this patch to a salt-water inlet, on all occasions of high tide, it became submerged, and the soil is therefore impregnated with saline matter; but as no other ground was available, we resolved upon raising it about a foot, and throwing up an embankment to keep out the salt-water.

The seeds were sown on the 20th June, and transplanting commenced on the 15th July. The plants grew well, looked very healthy and promising, the salinous nature of the soil not operating detrimentally.

On the 19th October the plants were from two to three feet high, in full blossom, and a large number in fine pod. On this day there was a gale, and an unusual high tide covered nearly the whole patch. On the subsidence of the salt-water forty-eight hours after, the plants looked faded; and, with the exception of about 400 which the salt-water did not reach, withered and died. Those that have escaped are now about three feet high and look healthy. A small quantity of Cotton has been gathered, a sample of which accompanies this report. Average weight of Cotton obtained from each pod 13 grains, seeds clean, tissue not adherent. The Egyptian is not a vigorous plant, and does not stand the sun well. It requires watering three times a week.

Sea Island Cotton.

The experiment with this variety commenced in 1861, and has continued to the present time. We can therefore speak with some confidence regarding it. We must premise that, consequent on our having some doubts of the species, a sample of this Cotton was sent to Dr. Shortt, and that gentleman pronounced it to be Sea Island.

A nursery was in the first instance prepared, and the young plants transplanted when about six weeks old.

In consequence of the length of the tap root of all the exotics, we have always put them down in holes similar to those prepared for the Egyptian. The soil of the plot where these were planted is sandy with a slight admixture of vegetable mould. This variety thrives remarkably well; attains a height of about six feet; is a very bushy plant, and although planted six feet apart, became intimately entwined one with another. The lower branches trail on the ground, and the upper ones dip considerably. These plants are scarcely affected by the sun, require watering three times a week when young, and after they are about six months old, do not require to be watered more than twice a month.

The pods are very numerous, the branches bend with their weight. We counted on one plant, where the soil was rich, upwards of six hundred pods; the plant even then was in blossom. The pods are small, are very seldom attacked by worms, and are infested by bugs, which, however, do no harm. The plants yield almost continuously; their state of quiescence does not extend beyond six or eight weeks. They are in full bearing four months. A few plants that were put down in 1860 yields as abundantly now as they did during the first season. They were twice polled at about three feet from the ground, the lateral branches being removed near their junction with the main stem. The staple is fine and silky; a sample is herewith forwarded. Average yield of each pod, 7½ grains. Average yield of each plant, four ounces per annum: seeds pubescent.

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No. 20.

The Gazette of India.

Published by Authority.

SATURDAY, MAY 21, 1864.

HOME DEPARTMENT.

LEGISLATIVE.

Simla, the 2nd May 1864.

The following Bill and the Statement of Objects and Reasons accompanying it are, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor-General of India, for the purpose of making Laws and Regulations, published for general information by order of His Excellency the Governor-General :—

A Bill to regulate the admission, removal, and remuneration of Advocates and Attorneys in the Civil and Criminal Courts and Revenue Offices of the North-Western Provinces of the Presidency of Bengal.

Preamble.

WHEREAS it is expedient that the admission, removal, and remuneration of Advocates and Attorneys in the Civil and Criminal Courts and Revenue Offices of the North-Western Provinces of the Presidency of Bengal should be regulated by fixed rules; and that such rules, after being approved by the local Government, should be issued by the Sudder Court and the Board of Revenue of those Provinces respectively; It is enacted as follows :—

Laws Repealed.

I. So much of Regulation XXVII of 1814 as has not already been repealed; Section XXV of Regulation VII of 1822; so much of Clause 9, Section V, Regulation IX of 1825, as provides that Section XXV of Regulation VII of 1822 shall be applicable to cases investigated by Collectors under the rules of Regulation II of 1819, or under the provisions of Regulation IX of 1825; Act I of 1846 *(for amending the law regarding the appointment and remuneration of Pleaders in the Courts of the East India Company)*; Act XX of 1853 *(to amend the law relating to Pleaders in the Courts of the East India Company)*; so much of Section LXXI of Act X of 1859 *(to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal)* as directs that no fee for any agent shall be charged as part of the costs of suit in any case under the said Act, and Section CXLIX of the said Act X of 1859 shall cease to have effect within the North-Western Provinces of the Presidency of Bengal from the date of the passing of this Act.

Sudder Court to make and vary rules for qualification and admission of Advocates and Attorneys.

II. Subject to the approval of the local Government, the Sudder Court of the North-Western Provinces shall have power to make rules, and from time to time to vary the same, for the qualification and admission of proper persons to be Advocates or Attorneys of such Court and of all Civil and Criminal Courts subordinate to such Court, and for the removal of such Advocates or Attorneys, and, except as hereinafter provided, no person whatsoever but an Advocate or Attorney, who shall have been admitted, and whose certificate of appointment, to be granted as hereinafter provided, shall not have been revoked in accordance with such rules, shall be allowed to appear or to plead, or in any manner to act for or on behalf of any suitor in such Sudder Court or in any Civil and Criminal Courts subordinate thereto. Provided that any person charged before any Criminal Court with an offence, may, by leave of the Court before which he is so charged, employ any other person, though not an Advocate or Attorney of such Court, to aid him as his Counsel or agent in defending himself against such charge.

Board of Revenue to make and vary similar rules.

III. Subject to the approval of the local Government, the Board of Revenue of the North-Western Provinces shall have power to make rules, and from time to time to vary the same, for the qualification and admission of proper persons to be Attorneys of such Board and in the Offices subordinate thereto, and for the removal of the persons so admitted, and, except as hereinafter provided, no person whatsoever but an Attorney, who shall have been admitted and whose certificate of appointment, to be granted as hereinafter provided, shall not have been revoked in accordance with such rules, shall be allowed to appear or to plead, or in any manner to act for or on behalf of any

other person in such Board, or in any Office subordinate to such Board, except with the special sanction of the Board or Office before which such person shall so appear, plead, or act in any particular case, and such sanction shall specify for what purpose and to what extent the person so allowed to appear, plead, or act without being such Attorney shall be allowed so to appear, plead, or act, together with the reasons for such sanction being given.

Employment of agents.

IV. Nothing in the last two preceding Sections shall prevent any person who shall be desirous of employing an agent, not being an authorized Advocate or Attorney, to conduct generally all suits or other business in which such person is concerned in the said Sudder Court or Board of Revenue, or in any Court or Office subordinate to such Sudder Court or Board with the sanction of the said Court or Board, or of the Court or Office in which such person desires to employ such agent. Such sanction may, at any time, for good and sufficient reason to be recorded, be revoked. Nor shall anything in the last two preceding Sections be held to apply to any person, not admitted as an Advocate or Attorney under this Act, being employed merely to appoint any Advocate or Attorney to act in behalf of any other person, in respect of such appointment.

Publication of rules and variations of them.

V. The rules made by the said Sudder Court and Board of Revenue respectively under Sections II and III of this Act, and any variation of such rules, shall, after being approved by the local Government, be published in three consecutive issues of the Official Gazette.

Grant and revocation of certificates of admission.

VI. The said Sudder Court or Board of Revenue shall grant a certificate to any Advocate or Attorney who shall be admitted by such Court or Board to be an Advocate or Attorney of such Court or Board, or of any Court or Office subordinate to them respectively. Such certificate may at any time be revoked by the authority granting the same. The revocation of a certificate under this Section shall constitute a removal from the position of Advocate or Attorney, as the case may be.

Penalty for refusing to deliver up certificate when revoked.

VII. If any Advocate or Attorney, whose certificate of appointment shall have been revoked under the last preceding Section, shall refuse to deliver up such certificate when required to do so by order of the Court or Board which granted the same, and shall fail to assign any sufficient reason for not delivering up such certificate, every such person so offending shall be liable, by order of the said Court or Board, whichever granted such certificate, to a fine not exceeding two hundred Rupees, and in default of payment to imprisonment in the Civil Jail for a term not exceeding three months unless he shall sooner deliver up such certificate.

Penalty for Advocate or Attorney appearing in any Court or Office as such, after his license has been revoked.

VIII. If any Advocate or Attorney, whose certificate of appointment shall have been revoked in the manner aforesaid, shall afterwards appear in any Court or Office as such Advocate or Attorney, every person so offending shall be liable, by order of the said Sudder Court or Board, whichever granted the certificate so revoked, to a fine not exceeding five hundred Rupees, and in default of payment to imprisonment in the Civil Jail for a period which may extend to six months.

Duly admitted Advocate may appear in any Court or Office within limits of Sudder Court granting certificate.

IX. Any Advocate duly admitted to be an Advocate in accordance with the rules made by the said Sudder Court, may appear and plead as such in such Sudder Court or any Court subordinate to such Sudder Court, or in any Revenue Office, in any suit or appeal instituted under the said Act X of 1859, within the limits of the jurisdiction of the said Sudder Court.

Like provision as to Attorneys admitted by Sudder Court.

X. Any Attorney duly admitted to be an Attorney in accordance with the rules made by the said Sudder Court, may appear and plead as such and act in any manner for or on behalf of any person in the said Sudder Court on its criminal side and in any Criminal Court subordinate to such Sudder Court.

Like provision as to Attorneys admitted by the Board of Revenue.

XI. Any Attorney duly admitted to be an Attorney in accordance with the rules made by the said Board of Revenue, may appear and plead as such, or act in any manner for or on behalf of any person in any Office within the limits of the jurisdiction of the said Board.

Remuneration of Advocates or Attorneys employed in Courts.

XII. Parties employing Advocates or Attorneys of the said Sudder Court, or of any Civil or Criminal Court subordinate to such Court, shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services.

Rates of remuneration.

XIII. In regular suits and appeals from decisions in suits instituted in the Courts of Civil Judicature, or in any Revenue Office under the said Act X of 1859, the rates chargeable on account of the fees of Advocates or Attorneys shall be as follows:—

If the amount or value of the cause of action shall not exceed five thousand Rupees, five per cent.

If the amount or value shall exceed five thousand Rupees, and shall not exceed twenty thousand Rupees, on five thousand as above, and on the remainder, two per cent.

If the amount or value shall exceed twenty thousand Rupees, and shall not exceed fifty thousand Rupees, on twenty thousand as above, and on the remainder, one per cent.

If the amount or value shall exceed fifty thousand Rupees, and shall not exceed eighty thousand Rupees, on fifty thousand as above, and on the remainder, eight annas per cent.

If the amount or value shall exceed eighty thousand Rupees, the fee charged shall be one thousand Rupees, and in no instance shall a larger sum be charged, however great may be the value or the amount of the suit. In all the preceding caculations, where the amount or value may be in fractions of Rupees, such fractions are to be rejected in calculating the fees of the Advocates or Attorneys. Provided that the provisions of this Act relating to

the remuneration of Advocates and Attorneys, and the charging of the same to the opposite party, shall not be applicable to any such agent appointed under Section IV of this Act.

In all other cases instituted in the said Courts the amount to be charged on account of such fees shall be one-fourth of the foregoing rates.

Rates of remuneration in Revenue cases.

XIV. In Revenue cases, not being suits or appeals under the said Act VIII of 1859, the rates of remuneration to such Attorneys shall be left to be adjusted between themselves and their constituents; but no greater sum shall be awarded on this account for costs payable by the party against whom the judgment shall be passed than such rate as may be deemed by the said Board or Collector, or other Officer deciding the case, a fair equivalent for the professional services of such Attorney.

Rate of fee in cases withdrawn before hearing, &c.

XV. If a cause be withdrawn before the hearing of the suit has commenced, or if judgment pass by default, only one-fourth of the established fee of the Advocates or Attorneys of the parties, which would have been charged as part of the costs of the cause, had a decision been passed on the merits, shall be charged.

Rate of fee if plaintiff's claim is adjudged only in part.

XVI. If the claim of a plaintiff be adjudged only in part, the fee of the Advocate or Attorney of such plaintiff, if charged to the opposite party as costs in the case, calculated in manner aforesaid, shall be in proportion to the amount or value of the property adjudged.

Private agreements between parties and their Advocates or Attorneys to be enforced by regular suit.

XVII. Private agreements between parties and their Advocates or Attorneys, respecting the remuneration to be paid for professional services, shall not be enforced otherwise than by a regular suit.

In Criminal cases fees payable to Advocate, &c., of one party, not chargeable to any other party.

XVIII. In any Criminal case no fee payable to the Advocate or Attorney of one of the parties, shall be charged to any other party.

Act not to prevent suitors from appearing for themselves or co-suitors.

XIX. Nothing in this Act shall be held to prevent any suitor appearing, pleading, or acting on his own behalf, or on behalf of any co-suitor.

Barristers or Attorneys of Queen's Court may appear before any Court or Office.

XX. Every Barrister and Attorney on the roll of any of Her Majesty's Supreme Courts of Judicature in India shall be entitled as such, anything in this Act notwithstanding, to appear and plead, and in any manner to act for or on behalf of any person in the said Sudder Court or Board, or in any Court or Office subordinate to such Sudder Court or Board respectively, subject to all the rules in force in any such Court or Office in so far as such rules relate to the language in which such Court or Office is to be addressed, or to any other matter connected with pleading therein.

Interpretation.

XXI. The term "Advocate" in this Act shall include Vakeels, and the term "Attorney" shall include Mookhtears, and the term "Office" shall include any Revenue Office, or any person acting judicially or otherwise in Revenue matters or in suits and appeals from decisions in suits under the said Act X of 1859.

STATEMENT OF OBJECTS AND REASONS.

Act XVIII of 1852 to amend the law relating to Pleaders in the Lower Provinces of the Presidency of Bengal not having been extended to the North-Western Provinces, the only law applicable to those Provinces as regards the dismissal as well as the appointment of Pleaders, and the duties to be performed by them, is Regulation XXVII of 1814. The great changes that have taken place since Regulation XXVII of 1814 was passed, both in the constitution of the Civil Courts in the North-Western Provinces and in the law by which they are required to regulate their proceedings, have rendered the Regulation very unsuitable. The present Bill proposes to repeal such parts of the Regulation as are still in force, together with all other enactments relating to the office of Pleader, in so far as they apply to the North-Western Provinces, and to leave the admission and removal of Advocates and Attorneys in the Civil and Criminal Courts to be regulated by rules to be laid down from time to time by the Sudder Court at Agra, subject to the approval of the local Government. The Bill follows in this respect, to some extent, the Rule contained in Her Majesty's Letters Patent for constituting High Courts of Judicature at Calcutta, Madras, and Bombay, relating to the admission of Advocates, Vakeels, and Attorneys-at-law in those Courts and to their removal.

The second Section of the Bill contains a similar provision in respect to the appointment and removal of Attorneys, or Mookhtears, in the Revenue Courts and Offices in the North-Western Provinces, except that the rules will be framed, subject to the approval of the local Government, by the Sudder Board and Revenue.

At present there is no law relating to the appointment and removal of Mookhtears in the Civil, Criminal, and Revenue Courts in the North-Western Provinces, and the consequence is that many unfit persons have assumed the office to the great injury of parties employing them, and often to the discredit of the Court or Office in which they practice. This has been particularly the case in the Criminal Department, and some rules to regulate the appointment of such persons have long been urgently required.

The Bill will not interfere with the right of any person to appear and prosecute or defend any Civil, Criminal or Revenue case in person, instead of employing an Advocate or Attorney. The Bill also proposes that any person who may desire to appear by an Agent not being an authorized Advocate or Attorney shall be allowed to do so with the sanction of the Court, Board, or Office, in which the appearance is to be made. This power was formerly given by Regulation XII of 1833, but for some reason, which is not stated in the Act (I of 1846) by which that Regulation was repealed, the power was withdrawn. I am not aware

that the power was abused. The rule was very popular amongst the respectable classes of the Native community, and its rescission has been made the subject of complaint.

The Bill maintains the present rule that every Barrister and Attorney on the roll of any of Her Majesty's High Courts of Judicature in India shall be entitled as such to appear and plead, and in any manner to act, for or on behalf of any person in the Sudder Court or Board, or in any Court or Office subordinate to the Sudder Court or Board respectively, subject to all the rules in force in any Court or Office, in so far as they relate to the language in which the Court or Office is to be addressed, or to any other matter connected with pleading therein.

The remaining Sections of the Bill correspond very much with the existing law, and do not call for particular notice.

H. B. HARINGTON.

The 23rd April 1864.

E. C. BAYLEY,
Secy. to the Govt. of India.

HOME DEPARTMENT.

No. 2A.

Simla, the 25th April 1864.

Appointment.—Mr. Auckland Colvin, to officiate as Under-Secretary to the Government of India, in the Home Department.

No. 117.

The 11th May 1864.

Notifications.—The following Covenanted and Uncovenanted Officers have been granted, by the Right Hon'ble the Secretary of State, each an extension of leave for six months on medical certificate.

Covenanted.

Mr. W. H. D'Oyly.
" R. Marriott.
" A. Swinton.
" G. B. Willock.

Uncovenanted.

Mr. M. Wylie.

No. 171.

The 13th May 1864.

Mr. Auckland Colvin, appointed under date the 25th ultimo, to officiate as Under-Secretary to the Government of India, in the Home Department, joined his appointment on the 12th instant.

No. 173.

The 14th May 1864.

Dr. H. M. Cannon, Inspector of Prisons, in Oude, is granted three months' privilege leave, from 1st August next, or from such subsequent date as he may avail himself of the same.

No. 234.

The 16th May 1864.

The Right Hon'ble the Secretary of State having, in accordance with the provisions contained in the 5th Section of the Indian Council's Act, 24 and 25 Vic., Cap. 67, appointed Mr. George Noble Taylor, of the Madras Civil Service, to be a Provisonal Member of the Council of the Governor-General of India, and a vacancy having occurred in the said Council by the departure, on leave, of the Hon'ble H. B. Harington, to Europe, Mr. Taylor has accordingly this day taken the oaths and his seat under the usual salute, as an ordinary Member of the Council of the Governor General of India.

By order of the Governor General in Council.

E. C. BAYLEY,
Secy. to the Govt. of Indin.

No. 235.

The 16th May 1864.

The following Despatch from the Right Honorable the Secretary of State for India, No. 36, dated 24th March, is published for general information:—

PUBLIC. INDIA OFFICE;
No. 36. *London, the 24th March* 1864.

To His Excellency the Right Hon'ble the Governor General of India in Council.

"SIR,—I have to acquaint you that Mr. David Craigie Halkett Inglis, of the Bengal Civil Service, has signified his intention of dropping the surname of Inglis, and his wish to be described, in future, as David Craigie Halkett. I request that you will cause the same to be notified in the *Gazette of India* accordingly."

I have, &c.,
(Sd.) C. WOOD.

No. 236.

The 17th May 1864.

Captain R. J. Baker, District Superintendent of Police, Raepore, in the Central Provinces, has obtained one month's privilege leave of absence, from the 20th April 1864, making over charge of the Police, on the same date, to Mr. Cox, Assistant District Superintendent of Police.

No. 237.

Mr. A. V. Palmer, of the Civil Service, reported his departure for England by the Steam Ship "Bengal," which was left by the Pilot, at sea, on the 13th April.

No. 238.

Mr. A. T. Maclean, of the Civil Service, reported his departure for England by the Steam Ship "Golconda," which was left by the Pilot, at sea, on the 24th April.

No. 239.

Mr. M. K. Man, Superintendent of Telegraphs, Indore Circle, obtained leave of absence for twelve

No. 57.

Assistant Surgeon C. Thomson, M. D., resumed medical charge of the Bhopal Political Agency from Assistant Surgeon J. Kelly, on the 1st March last.

No. 59.

His Excellency the Viceroy and Governor General in Council is pleased to grant to the Reverend W. B. Drawbridge, Assistant Chaplain of Nowgong, leave of absence for 20 months beyond sea, on medical certificate.

No. 61.

The services of Mr. D. Simson, Commissioner of Fyzabad, in Oudh, are placed at the disposal of the Government, North-Western Provinces, temporarily, with effect from the date on which he may join his appointment, as an Officiating Extra Judge of the Sudder Court at Agra.

No. 63.

Mr. W. Glynn, Officiating Deputy Commissioner of Gonda, in Oudh, has obtained privilege leave for three months, from the 14th April last.

No. 65.

One month's privilege leave of absence is granted to Mr. R. A. Sterndale, Deputy Collector of Settlements, Seonee District, Central Provinces, from the date on which he may avail himself of it.

No. 90.

The 10th May 1864.

Captain J. C. Wood, Political Agent in Nimar, resumed charge of the Agency on the 5th ultimo, on his return from the privilege leave granted him in G. O. No. 478, dated 25th February last, and of which he availed himself on the 10th March.

No. 92.

Major E. J. Spilsbury, Deputy Commissioner, Akyab, received charge of the office of Town Magistrate of Akyab, from Captain A. G. Duff, on the afternoon of the 1st April 1864, and of the Akyab Treasury, from Mr. Extra Assistant Commissioner J. Hind, on the 15th March 1864.

Mr. H. W. Beddy, Deputy Commissioner, Sandoway, resumed charge of his current duties and the District Treasury, on the afternoon of the 20th March 1864.

Dr. C. Williams, Agent to the Chief Commissioner at Mandalay, obtained one month's privilege leave from the 30th December 1863.

Dr. Williams returned to his duties on the 28th January 1864.

No. 93.

The Assistant Secretary to the Chief Commissioner of Oudh will conduct the current duties of the Superintendent of Excise and Stamps in Oudh, from the 22nd April, until the return of Mr. Braddon from leave. This modifies the portion of G. O. No. 602, dated 7th March, which appointed the Secretary to the Chief Commissioner to carry on the duties.

No. 94.

Agha Mahomed Shoostree, Extra Assistant Commissioner, 2nd Class, Central Provinces, is permitted to resign the service of Government.

Mr. P. Crawley, Extra Assistant Commissioner, 3rd Class, is appointed Extra Assistant Commissioner, 2nd Class.

Mr. G. W. Cline, Deputy Collector of Settlements and Officiating Extra Assistant Commissioner, 3rd Class, is appointed Extra Assistant Commissioner, 3rd Class.

The above appointments will have effect from the date on which Agha Mahomed Shoostree resigned his appointment.

No. 96.

Lieutenant F. K. Hawkins, Extra Deputy Commissioner of Sooltanpore, Oudh, has obtained three months' privilege leave, from the 1st August next, or from such subsequent date as he may avail himself of it.

No. 97.

His Excellency the Viceroy and Governor General in Council is pleased to sanction the following arrangements in the Central Provinces :—

The appointment of Major G. F. S. Browne, Deputy Commissioner, 1st Class, to be Commissioner of a Division, notified in G. O. No. 136, dated 26th January 1864, to have effect from the 24th October 1863, the date on which Mr. A. Cocks retired from the service.

Major J. B. Dennys, Deputy Commissioner, 2nd Class, to be Deputy Commissioner, 1st Class, from the 24th October 1863.

Major J. N. H. Maclean, Deputy Commissioner, 3rd Class, to be Deputy Commissioner, 2nd Class, from the 24th October 1863.

Captain A. B. Cumberlege, Deputy Commissioner, 4th Class, to be Deputy Commissioner, 3rd Class, from 24th October 1863.

Captain A. B. Cumberlege, Deputy Commissioner, 3rd Class, to be Deputy Commissioner, 2nd Class, in room of Major H. B. Impey, deceased, with effect from the 14th December 1863.

Captain F. A. Fenton, Deputy Commissioner, 4th Class, to be Deputy Commissioner, 3rd Class, from 14th December 1863.

Captain P. Ashburner, Supernumerary Deputy Commissioner, 4th Class, is brought on the established complement as Deputy Commissioner, 4th Class, in succession to Captain Cumberlege, from the 24th October 1863.

Captain C. B. L. Smith, Captain W. B. Thomson, Major C. Baldwin, and Captain J. Ashburner, Deputy Commissioners of the 4th Class, are promoted to be Deputy Commissioners of the 3rd Class.

The following Officiating Assistant Commissioners, are appointed to be Assistant Commissioners, from the dates specified opposite their names :—

Captain H. F. Bolton, from the date of this order.

Mr. H. Reade, from the date of this order, but to continue to officiate as Assistant Settlement Officer, until further orders.

Lieutenant W. S. Brooke, from the 22nd January 1863.

Lieutenant M. M. Bowie, from the 30th June 1863.

The appointments of the following Officers to be Assistant Commissioners, notified in G. O. No. 379, dated 16th February 1863, are to have effect from the dates specified opposite their names:—

Lieutenant J. Forsyth, from 1st October 1863.
Lieutenant P. Wakefield, from 16th June 1862.

This Notification supersedes so much of G. O. No. 379, dated 16th February 1864, as relates to the promotions of Major Maclean and Captains Cumberlege and Ashburner in succession to Major Impey, deceased.

No. 123.

The 12th May 1864.

Native Doctor Shukoor Mahomed, attached to the Charitable Dispensary at Dumoh, in the Central Provinces, has obtained three months' privilege leave of absence, from the date on which he may avail himself of it.

No. 126.

Major R. Renton, Commanding the Detachment at Mysore, has obtained one month's privilege leave of absence, from the 13th ultimo.

No. 128.

Sub-Assistant Surgeon Ashootosh Goopto, 2nd Grade, attached to the Dispensary at Delhi, is appointed to the Medical School at Jyepore under Dr. Burr.

No. 137.

The 14th May 1864.

Major J. Stubbs, Deputy Commissioner, West Berar, Hyderabad Assigned Districts, reported his departure to England, on board the Steam Ship "Benares," on the 27th March last.

No. 139.

Captain W. P. Harrison, Deputy Commissioner, 4th Class, British Burmah, made over charge of of the Martaban Treasury to Moung Shooy Doh extra Assistant Commissioner, 2nd Class, on the 18th April last, as a temporary measure, on his proceeding into the interior of his district on duty.

No. 141.

1st Class Native Doctor Ram Suhay Lall, appointed in General Order, dated 19th March last, No. 303, to the charge of the Dispensary at Rewah, is transferred to the Dispensary at Dumoh; and 1st Class Native Doctor Shukoor Mahomed, the present incumbent of the latter place, is appointed to Sehore.

No. 145.

Assistant Surgeon H. Potter, M. D., appointed to the medical charge of the Bhopawur Agency and Malwa Bheel Corps, in General Order No. 256, dated 3rd February, assumed charge on the 13th April.

No. 147.

1st Class Native Doctors Mahomed Abbas and Ahmed Khan, are appointed to the Central Provinces for duty in the Civil Department, under the Deputy Inspector General of Hospitals of the Saugor Circle.

C. U. AITCHISON,
Under-Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 189.

Simla, the 15th April 1864.

Notifications.—The Governor General in Council is pleased to appoint the undermentioned gentlemen to be Members of the Statistical Committee, formed under Financial Resolution, No. 3814, dated the 6th June 1862, viz.:—

Hon'ble G. Campbell, C. S.
D. Cowie, Esq.
J. Strachey, Esq., C. S.

No. 2500.

The 16th April 1864.

Mr. E. F. Harrison, Officiating Deputy Auditor and Accountant General, Bengal, to be a Government Director of the Bank of Bengal.

No. 188.

The 19th April 1864.

Mr. S. G. Wyatt and Mr. G. W. Kellner, to be Auditors of the Accounts for 1864, of the Administrator General in Bengal.

No. 191.

The 17th May 1864.

In continuation of Notification, No. 1963, dated the 15th ultimo, the following Statement of Cash Balances, as reported up to this date in the Government Treasuries in India at the close of the month of March last, contrasted with that of the previous years, is published for general information:—

According to the present limits of the several Governments.	March 1862.	March 1863.	March 1864.
	Rupees.	*Rupees.*	*Rupees.*
Govt. of India ...	5,61,79,530	4,40,67,617	2,58,84,876
Bengal ...	2,53,67,509	2,35,05,766	2,57,51,871
N. W. Provinces ...	2,52,94,753	2,85,87,760	2,41,08,424
Punjab ...	96,76,171	1,20,29,640	1,10,08,772
Bombay ...	2,66,44,044	3,38,91,292	1,91,51,709
Central Provinces..	54,58,181	42,95,036	34,81,492
Deccan ...	25,62,255	36,57,482	43,13,397
Madras ...	2,47,60,941	3,50,06,792	3,30,88,281
Total ...	17,59,43,384	18,50,41,385	14,67,88,822

Published by Order of the Governor General in Council.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

No. 192.

Notification.—In continuation of the Notification, No. 1964, dated the 13th ultimo, issued from this Department, the following Statement, showing the Financial position of the several Guaranteed Railway Companies, quoad the Government, is published for general information:—

State of the Capital Accounts of the Indian Railway Companies on the 31st January 1864.

	Amounts authorized to be raised.			Amounts paid by the Railway Companies.					Amounts withdrawn by the Railway Companies.			Balance standing to the credit of the Railway Companies.	Amount advanced to the Railway Companies in excess of the amounts to their credit.
	Capital.	Debenture Loans.	Total.	Capital subscribed in England.	Capital subscribed in India.	Total Capital.	Debenture Loans.	Total.	In England.	In India.	Total.		
	£	£	£	£	£	£	£	£	£	£	£	£	£
East Indian:													
Main Line Capital	17,036,601	5,713,399	22,750,000	13,596,354	253,374	13,849,728	5,713,399	19,563,127	6,603,087	14,368,650	20,971,737	79,382	... ...
Jubbulpore Capital	2,000,000	... ...	2,000,000	1,952,135	7,665	1,959,800	... ...	1,959,800	135,991	335,817	471,808		
Madras:													
Main Line Capital	5,120,800	1,879,200	7,000,000	4,056,401	.....	4,056,401	1,879,200	5,935,601	2,232,805	3,603,879	5,836,684	301,904	... ...
Bellary Capital	1,000,000	... ..	1,000,000	993,535	.....	993,535	... ...	993,535	303,974	486,574	790,548		
Great Indian Peninsula	11,000,000	3,000,000	14,000,000	8,418,681	411,750	8,830,431	2,106,000	10,936,431	3,934,880	6,708,560	10,643,440	292,991	... ...
Sind:													
Sind Railway Capital	1,586,800	413,200	2,000,000	1,472,820	20,755	1,493,575	413,200	1,906,775	763,502	1,093,341	1,856,843	49,932	... ...
Indus Flotilla Capital	295,100	82,900	378,000	250,005	.....	250,005	82,900	332,905	212,809	105,976	318,785	14,120	... ...
Punjab:													
Moultan Capital	1,500,000	500,000	2,000,000	1,464,998	8,344	1,473,342	500,000	1,973,342	883,640	887,933	1,771,573	201,769	... ...
Delhi Capital	2,500,000	... ...	2,500,000	1,041,827	3,893	1,045,720	... ...	1,045,720	4,383	18,427	22,810	1,022,910	... ...
Bombay, Baroda, and Central India ...	3,650,000	1,350,000	5,000,000	3,573,561	21,662	3,595,223	869,195	4,464,418	1,890,323	2,776,009	4,666,332	... ...	201,914
Eastern Bengal	1,000,000	600,000	1,600,000	990,745	9,504	1,000,249	400,000	1,400,249	698,164	769,864	1,468,028	... ...	67,779
Calcutta and South-Eastern	310,000	190,000	500,000	290,377	19,623	310,000	90,000	400,000	188,782	256,491	445,273	... ...	45,273
Great Southern of India	862,300	303,300	1,165,600	628,479	1,221	629,700	158,300	788,000	335,557	350,370	685,927	102,073	... ...
Total	47,861,601	14,031,999	61,893,600	38,729,918	757,791	39,487,709	12,212,194	51,699,903	18,187,897	31,761,891	49,949,788	2,065,081	314,966

Net Balance standing to the credit of the Railway Companies, ... £ 1,750,115.

E. E.

E. H. Lushington,
Secy. to the Govt. of India.

Fort William;
Financial Department,
The 17th May 1864.

No. 198.

Leave.—Mr. R. W. Lodwick, Civil Pay Master, Madras, has obtained one month's privilege-leave, commencing from the 10th of September next.

Appointment.—Mr. Donald, Head Uncovenanted Officer in the Civil Pay Master's Office at Madras, will conduct the duties of the Civil Pay Master, during the absence of Mr. Lodwick on privilege leave.

No. 242.

The 19th May 1864.

Notification.—The following Statement of the Silver received and coined in the Mints of Calcutta, Madras, and Bombay, in March 1864, is published for general information :—

	Calcutta.			Madras.			Bombay.		
	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.
	Govt.	Merchts.		Govt.	Merchts.		Govt.	Merchts.	
In Mar. 1864.	13,741	1,11,41,368	34,67,907	...	18,42,581	8,85,131	...	78,76,593	87,97,404

E. H. Lushington,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, 30th April 1864.

No. 388*A. of* 1864.—In conformity with G. G. O., No. 144 of 1852, the following Statement of Deposits made at the Presidency Pay Office, during the month of April 1864, on account of the Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of the Indian Military Forces of Her Majesty, is published for general information; and it is hereby notified that claims to the Estates in question, which shall not be preferred to the Presidency Pay Master by Executors and Administrators before the conclusion of twelve months after the date of decease, cannot be attended to in this country, as the money, after that period, will be remitted to, and made payable by, the Secretary of State for India:—

STATEMENT of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of Her Majesty's Indian Military Service, in the month of April 1864.

Date of Deposit.	On whose account.	Rank.	Corps.	General number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co's. Rupees.	Equivalent in sterling.	Rate of Exchange.	Remarks.
	Commissioned and Warrant Officers.						Rs. As. P.		Rs. As. P.						
6th Apl. 1864.	James Hill	Conductor ..	Ordnance Dept. ...	...	... ...	... ...	1,330 13 6	... ...	1,330 13 6						
" "	(a) Alex. Brathwaite Fenwick	Major ...	Doing duty in the Stud Dept.	...	25th Nov. 1863	Testate	650 14 8	... ...	650 14 8						
14th " "	(b) George Whittall Harding...	Major in Bombay Staff Corps	Commandant, 2nd Regiment, Seikh Infantry	...	6th "	"	3,837 0 6	... ...	3,837 0 6						
" "	(c) Pearson Boyd	Lieutenant	42nd Regt., Assam Light Infantry	...	31st Decr. 1863	Intestate	434 10 2	... ...	434 10 2						
" "	(d) St. George Meadows Bishop	Ditto ...	Doing duty with 6th Bengal Cavalry	...	5th "	Testate	1,703 1 9	... ...	1,703 1 9						
15th " "	(e) William Fielding Mosley ...	Ditto ...	Doing duty with 14th Ferozepore Regt., N. I.	...	18th Nov. 1863	Intestate	797 14 5	... ...	797 14 5						
" "	(f) George Mitchell Richmond	Ditto ...	Doing duty with 20th, P. N. I.	...	27th Oct. 1863	Ditto	513 7 1	... ...	513 7 1						
27th " "	Edward Robert Blair ...	Captain ...	51st Regt., N. I. ...	...	9th Decr. 1863	Ditto	661 10 9	... ...	661 10 9						
28th " "	(g) Hastings Broughton Impey	Major ...	70th Regt., N. I. ...	...	*Not Communicated.*		445 8 9	... ...	445 8 9						
" "	Edward Pelham Master ...	Major ...	Medical Estt. ...	...	June 1857	... ...	1,228 2 11	... ...	1,228 2 11						
			Carried over Co's. Rs.	...	... ..	... ...	11,603 4 6	... ...	11,603 4 6						

(a) Legatee, widow Virginia Julia Fenwick.
(b) Legatees, daughters, Adeline Mary Harding and Elizabeth Fanny Harding.
(c) Next-of-kin, father, Mr. Boyd, late Bengal Civil Service, and mother, Mrs. C. Boyd, Kensington, London.
(d) Legatees, father, Colonel George William Bishop, and mother, Mrs. Mariane Bishop.
(e) Next-of-kin, Mother, in Scotland.
(f) Next-of-kin, Mother, in Scotland.
(g) Two daughters and a son.

STATEMENT of Deposits made at the Presidency Pay Office,—Concluded.

Date of Deposit.	On whose account.	Rank.	Corps.	General number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Account of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in sterling.	Rate of Exchange.	Remarks.
							Rs. As. P.		Rs. As. P.						
	Brought forward, Co.'s Rs. ...	... ...	... ...	...	... ...	... ...	11,603 4 6	... ...	11,603 4 6						
28th April 1864.	Mortimer John Slater ...	Lieut.-Col...	Late Pension Pay Master, Lucknow*	...											
	Non-Commissioned Officers & Soldiers.														
5th Apl. 1864.	(a) Hugh Taylor	Private ...	H. M.'s 19th Hussars	696	29th May 1861	Unknown	78 10 8	... ...	78 10 8						
" "	(b) Abraham Charles Preston	Ditto ...	East Indian Regt. ...	86	26th Sept. 1863	Ditto ...	42 13 1	... ...	42 13 1						
6th " "	(c) William Clarke	Armourer Sergeant	Ordnance Dept. ...	...	25th Feb. "	Intestate	577 11 1	... ...	577 11 1						
7th " "	(d) Frederick Meredith ...	Park Sergt..	A. By., 22nd Batt., R. A.	...	6th Feb. 1864	Testate ...	49 11 3	... ...	49 11 3	11 6					
14th " "	(e) James Ashton ...	Private ...	1st E. B. Fusiliers ...	1257	10th Nov. 1859	Not known.	10 3 2	... ...	10 3 2						
" "	(e) Edward Barton ...	Ditto ...	Ditto	1120	28th Oct. 1859	Ditto ...	10 3 2	... ...	10 3 2						
" "	(e) John Cummings ...	Ditto ...	Ditto	889	29th "	Ditto ...	10 3 2	... ...	10 3 2						
" "	(e) Albert Hall ...	Ditto ...	Ditto	1580	" "	Ditto ...	10 3 2	... ...	10 3 2						
" "	(e) Bartholomew McGiven ...	Ditto ...	Ditto	1106	28th "	Ditto ...	10 3 2	... ...	10 3 2						
" "	(e) Thomas Wilson ...	Ditto ...	Ditto	1214	29th "	Ditto ...	10 3 2	... ...	10 3 2						
15th " "	(f) Benjamin Sheldon ...	Sergeant ...	East Indian Regt. ...	328	6th June 1863	Testate ...	185 4 0	... ...	185 4 0						
19th " "	(g) Edward Lucas ...	Ditto ...	Ordnance Dept. ...	...	25th Sept. 1862	Ditto ...	50 0 0	... ...	50 0 0						
" "	Andrew Brocket ...	Sergeant ...	Commissariat Dept...	...	8th May 1858	Intestate..	86 0 0	... ...	86 0 0						
22nd " "	(h) Frederick Meredith ...	Park Sergt..	A. By., 22nd Batt., R. A.	...	6th Feb. 1864	Testate ...	1,031 0 11	... ...	1,031 0 11						
28th " "	(i) John Reid ...	Sergt. Major	Bengal Artillery ...	5530	23rd July 1863	Ditto ...	856 3 0	... ...	856 3 0						
						Total Rs.	14,621 13 6		14,621 13 6						

* Government Promissory Note for Rs. 1,000.

(a) Next-of-kin, not known.
(b) Ditto ditto.
(c) Widow, C. Clarke and two children, No. 151, Great Hampton Row, Birmingham, Warwickshire, 28th April 1864, remitted by Transfer Receipt.
(d) Widow, Jane Meredith Euphemia Melecent Meredith.
(e) Next-of-kin, not known.
(f) Widow, Caroline Sheldon and two children.
(g) Legatee, son, Edward Joseph Lucas, at Allahabad, 28th April 1864. Transferred to Deposits of the L. O. S.
(h) Widow, Jane Meredith Euphemia Melecent Meredith.
(i) Legatee, daughter, Elizabeth Hill, Forfar, County Forfar, Scotland.

FORT WILLIAM;
PAY OFFICE,
The 30th April 1864.

C. F. MUNDY, *Lieut.-Col.*,
Presidency Pay Master.

The 3rd May 1864.

No. 389 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following appointment :—

Major General A. M. Becher, C. B., of the Bengal Staff Corps, temporarily to the Divisional Staff of the Army, during the absence, on sick leave to Europe, of Major General J. MacDuff, C. B., of Her Majesty's British Forces.

No. 390 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following acting appointments in the Department of the Adjutant General, with effect from the date of departure to Europe on sick leave, of Major G. E. Holmes, Assistant Adjutant General :—

Captain C. H. S. Scott, Deputy Assistant Adjutant General, to act as Assistant Adjutant General, vice Fraser on leave in Europe.

Captain H. E. Iremonger, Officiating Deputy Assistant Adjutant General, to act as 1st Deputy Assistant Adjutant General, vice Scott.

Major and Brevet Lieutenant Colonel G. L. Thomson, Her Majesty's 82nd Regiment, to act as 2nd Deputy Assistant Adjutant General, vice Iremonger.

No. 391 *of* 1864.—The following Officer is admitted to the Bengal Staff Corps from date of its formation, viz., 18th February 1861, subject to the approval of Her Majesty's Secretary of State for India :—

Rank and Name.	Corps.	Staff appointment on which admission to the Staff Corps is claimed.
Lieutenant Frederick Wheeler,	Late 39th Regt., N. I.	Late Interpreter and Quarter Master, late 39th Native Infantry.

No. 392 *of* 1864.—The following order issued by the Resident at Hyderabad, is confirmed :—

"*No.* 65, *dated* 16*th April* 1864.—Assistant Surgeon J. T. J. Doyle, whose services have been temporarily placed at the disposal of the Resident by the Madras Government for employment in the Hyderabad Contingent, is posted to the 1st Infantry, subject to confirmation of the Government of India."

No. 393 *of* 1864.—The following transcript of a Military letter from the Right Hon'ble the Secretary of State for India, No. 77, dated 16th March 1864, is published for general information :—

MILITARY. INDIA OFFICE;

No. 77. *London,* 16*th March* 1864.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—With reference to correspondence received from the War Office, relative to the pay of Soldier Students in the Normal College at Sanawur, who are about to be appointed School Masters on the completion of their course of training, I have to inform you, that I have approved of the course proposed by the Secretary of State for War, viz., that the Soldier Students in the Normal Schools in India, should, unless they accept the Regulations in regard to pay, when appointed provisional School Masters, viz., 3*s.* per diem, be permitted to return to their respective Regiments.

I have, &c.,

(Sd.) C. WOOD.

No. 394 *of* 1864.—The following paragraphs of a Military letter from the Right Hon'ble the Secretary of State for India, No. 73, dated 16th March 1864, are published for general information :—

Para. 1. The undermentioned Officers and Warrant Officer have been permitted to return to their duty, viz.,

Major G. Hutchinson,
Captain W. L. Randall,
" J. A. Brereton,
Lieutenant E. A. Vine,
" T. B. M. Glascock, by the "Barham,"
Assistant Surgeon C. Cameron;
" " J. B. Allen,
Sub-Conductor A. Gibson.

2. The undermentioned Officers and Warrant Officers have been granted extensions of leave for the periods specified, viz.,

Major R. Thorpe	6	months
" J. A. Steel	6	"
" J. B. Lind	6	"
Captain F. B. Foote	6	"
Lieutenant H. B. Lockwood	6	"
Surgeon S. G. Bousfield	3	"
Apothecary F. J. Grase	6	"
Sub-Conductor G. Verini	6	"

3. Assistant Surgeon Clement M. Smith, M. D., has been permitted to retire from the service.

4. Captain F. G. Thellusson has been permitted to resign the service. His vacancy has effect from the 25th July 1862.

5. The death of General J. Ahmuty, of the Royal (Bengal) Artillery, which occurred on the 12th January 1864, brings into the receipt of the Colonel's allowance, Colonel (Major General) R. Horsford.

The 5th May 1864.

No. 395 *of* 1864.—The services of Brevet Captain J. P. Turton, Adjutant of the 3rd Seikh Infantry, Punjab Irregular Force, are, at his own request, placed at the disposal of His Excellency the Commander-in-Chief.

No. 396 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB IRREGULAR FORCE.

3rd Punjab Cavalry.

Lieutenant R. B. Lockwood, General List, Cavalry, doing duty with Her Majesty's 20th Hussars, to be Doing-duty Officer, vice Lieutenant Bryant, resigned.

No. 397 *of* 1864.—His Excellency the Governor General in Council is pleased to notify that the Right Hon'ble the Secretary of State for India has approved of the grant of half and

quarter rations, respectively, to the wives and children of Non-Commissioned Officers and Soldiers of European Regiments, in addition to the authorized subsistence allowance, whenever the exigencies of the public service may require the separation of the men from their families.

No. 398 *of* 1864.—The services of Lieutenant C. W. Hawes, Commandant of Cavalry, Corps of Guides, are, at his own request, placed at the disposal of His Excellency the Commander-in-Chief.

The 6th May 1864.

No. 399 *of* 1864.—The following extract from the *London Gazette* of the 15th March 1864, is published for general information :—

INDIA OFFICE;
The 14th March 1864.

Her Majesty has been pleased to approve the undermentioned promotions and alterations of rank amongst the Officers of the Staff Corps and of Her Majesty's Indian Military Forces :—

BENGAL STAFF CORPS.

To be Majors

Captain Henry Ferrers Waddington, dated 8th December 1863.

Captain (Brevet Major) Henry Knightly Burne, dated 30th December 1863.

Captain George Augustus Frederic Houchen, dated 30th December 1863.

To be Captain.

Lieutenant Francis Howell Jenkins, dated 20th December 1863.

BENGAL ARMY.

Late 35th Native Infantry.

Captain (Brevet Major) Henry LePoer Trench, to be Major, vice Bouverie, retired, dated 25th October 1863.

General List of Infantry Officers.

Ensign George Campbell Napier, to be Lieutenant in succession to Stuart, late 4th European Regiment, (Light Corps), deceased, dated 19th November 1863.

Ensign William Hope Meiklejohn, to be Lieutenant, vice Moseley, late 35th Native Infantry, killed in action, dated 19th November 1863.

Ensign Edward Gambier Serle, to be Lieutenant, vice Bishop, 1st Goorkha Regiment, killed in action, dated 6th December 1863.

Ensign Walter Jones, to be Lieutenant in succession to Blair, late 51st Native Infantry, deceased, dated 10th December 1863.

ALTERATIONS OF RANK.

General List of Infantry Officers.

The undermentioned Officers to take rank from the dates specified :—

Lieutenant Francis Henry Hinde, from the 26th July 1863.

Lieutenant Charles Hyder Forster, from the 30th July 1863.

Lieutenant Alexander Robert Badcock, from the 5th August 1863.

Lieutenant Alfred James Stead, from the 24th September 1863.

Lieutenant Frank Bird Morris, from the 26th September 1863.

Lieutenant Henry Wylie, from the 14th October 1863.

Lieutenant Roderick Fraser Sandeman, from the 25th October 1863.

Lieutenant Edward Millett Forbes, from the 1st November 1863.

Lieutenant Arthur Benjamin Clare, from the 18th November 1863.

BOMBAY STAFF CORPS.

To be Captain.

Lieutenant Arthur Robert Wilson, dated 20th December 1863.

No. 400 *of* 1864.—The services of Assistant Surgeon C. O. Daniell, M. D., late in medical charge of Dhurmsala, are placed at the disposal of the Government of the North-Western Provinces.

No. 401 *of* 1864.—The following extract from the *London Gazette* of the 8th March 1864, is published for general information :—

WAR OFFICE;
Pall Mall, 8th March 1864.

MEMORANDUM.

"With a view to the names of the undermentioned Officers appearing in their proper position in the Army List, it is announced that they stand in their respective Regiments as follows :—

19th Hussars—in the following order:

Cornet J. S. A. Bruff,
" R. G. E. Dalrymple, next below Cornet S. D. Barrow.

20th Hussars—in the following order:

Cornet D. C. Budd,
" H. J. Beattie,
" C. Bailey, next below Cornet G. M. Onslow.

21st Hussars—in the following order:

Cornet R. C. Andrew,
" J. W. M. Cotton,
" T. Deane, next below Cornet E. S. Neave.

101st Foot—in the following order:

Lieutenant W. H. Warner,
" J. C. Partridge, next below Lieutenant W. S. Jervis;
Ensign A. Lloyd,
" G. S. Sewell,
" W. H. Browne, next below Ensign C. M. Stockley.

103rd Foot—in the following order:

Ensign J. Galway,
" T. Price,
" E. G. P. Wood,
" A. H. S. Neill,
" E. L. Clarke, next below Ensign E. B. Gardiner.

104th Foot—in the following order:

Lieutenant W. H. Brind,
" H. P. Evans, next below Lieutenant T. J. Quin.

106th Foot—in the following order:

Ensign J. Winslow,
" E. R. Coker,
" H. Bailey,
" G. G. Bird, next below Ensign A. C. Maurice.

107th Foot—in the following order:

Ensign W. M. Playfair,
" J. G. M. DeL. Bean,
" F. W. Nicolay,
" W. Cave,
" G. W. Beresford,
" A. I. Shepherd, next below Ensign E. A. Down.

109th Foot—in the following order:

Ensign A. Hoyes,
" A. H. Mayhew,
" W. H. Webb,
" R. T. Mayne,
" A. D. Strettell, next below Ensign R. P. Simpson.

India Office, 4th March 1864.

Her Majesty has been pleased to approve the undermentioned promotions and alterations of rank amongst the Officers of the Staff Corps and of Her Majesty's Indian Military Forces:—

BENGAL STAFF CORPS.

To be Lieutenant Colonels.

Major Robert Campbell; dated 11th December 1863.

Major (Brevet Colonel) Crawford Trotter Chamberlain, dated 12th December 1863.

Major Henry Hopkinson, dated 12th December 1863.

To be Majors.

Captain George Hunter Thompson, dated 8th December 1863.

Captain George Crommelin Hankin, dated 8th December 1863.

Captain (Brevet Major) Thomas Harmer Sibley, dated 9th December 1863.

Captain George Hamilton, dated 9th December 1863.

Captain John Robert Alexander Shakespear Lowe, dated 9th December 1863.

To be Captain.

Lieutenant Welby Wroughton Boddam, dated 12th December 1863.

BENGAL ARMY.

General List of Infantry Officers.

Ensign Alfred James Stead, to be Lieutenant in succession to Davidson, late 29th Native Infantry, deceased, dated 26th September 1863.

Ensign Frank Bird Morris, to be Lieutenant, vice Clark, late 36th Native Infantry, deceased, dated 14th October 1863.

Ensign Henry Wylie, to be Lieutenant, vice Richmond, late 54th Native Infantry, deceased, dated 28th October 1863.

Ensign Roderick Fraser Sandeman, to be Lieutenant, in succession to Barber, 9th Native Infantry, resigned, dated 1st November 1863.

Ensign Edward Millett Forbes, to be Lieutenant, in succession to Stuart, late 4th European Regiment, (Staff Corps) deceased, dated 19th November 1863.

Ensign Arthur Benjamin Clare, to be Lieutenant, in succession to Fenwick, late 5th European Regiment, deceased, dated 26th November 1863.

ALTERATIONS OF RANK.

General List of Infantry Officers.

The undermentioned Officers to take rank from the date specified:—

Lieutenant Walter Edward Gowan, from 24th March 1863.

Lieutenant Celadon Charles Brownlow, from 15th April 1863.

Lieutenant George Waterhouse, from 21st April 1863.

Lieutenant Benjamin Hill Russell, from 22nd April 1863.

Lieutenant John Andrias Davidson Gordon, from the 30th April 1863.

Lieutenant Douglas Cowslade Hennessy, from the 10th May 1863.

Lieutenant Everard Neal Digges LaTouche, from the 6th June 1863.

Lieutenant Horace Howell, from the 30th June 1863.

Lieutenant Frederick Schomberg Carr, from the 1st July 1863.

Lieutenant Robert Edward Seymour Smith, from the 2nd July 1863.

Lieutenant George Mitchell Devereux Hill, from the 7th July 1863.

Lieutenant Robert Vivian, from the 13th July 1863.

Lieutenant Francis Henry Hinde, from the 30th July 1863.

Lieutenant Charles Hyder Forster, from the 5th August 1863.

Lieutenant Alexander Robert Badcock, from the 22nd September 1863.

BOMBAY STAFF CORPS.

To be Lieutenant Colonels.

Major William Edmonstone MacLeod, dated 11th December 1863.

Major Samuel Thacker, dated 11th December 1863.

To be Major

Captain (Brevet Major) Henry Hastings Affleck Wood, dated 9th December 1863.

To be Captains.

Lieutenant Claude Malet Ducat, dated 12th December 1863.

Lieutenant Henry Rivett Manderville Van Heythuysen, dated 12th December 1863.

Lieutenant Charles Frederic Boulton, dated 13th December 1863.

Lieutenant Trevenan James Holland, dated 13th December 1863.

The 9th May 1864.

No. 402 *of* 1864.—In continuation of General Order by the Governor General, No. 11A., of the 5th March 1863, the following copy of an order in Council, dated 1st March 1864, is published for general information :—

Published in the *London Gazette* of the 4th March 1864. Pages 1322-23.

At the Court at Windsor, the 1st day of March 1864.

Present : The Queen's Most Excellent Majesty in Council.

Whereas by an Order, dated the thirtieth day of August, one thousand eight hundred and sixty-two, Her Majesty was pleased, by and with the advice of Her Privy Council, to order that from and after the first day of September then next, it should be lawful for Horatio Nelson Lay, one of Her Majesty's subjects, and Sherard Osborne, a Captain in Her Majesty's Navy, to enter into the Military and Naval Service of the Emperor of China, and to accept any commission, warrant, or other appointment under the said Emperor, and to accept any money, pay, or reward for their services, and to fit out, equip, purchase, and acquire ships or vessels-of-war for the use of the said Emperor, and to engage and enlist British subjects to enter the Military and Naval Service of the said Emperor : And it was thereby further ordered, that it should be lawful for every British subject to enlist and enter himself, by engaging and enlisting himself, with the said Horatio Nelson Lay and Sherard Osborne, and no other person or persons whatsoever, in the Military and Naval Service of the said Emperor, and to serve the said Emperor in any military, warlike, or other operations, either by land or by sea, and for that purpose to go to any place or places beyond the seas, and to accept any commission, warrant, or other appointment from or under the said Emperor, and to accept any money, pay, or reward for his service : Provided always, that the license and permission thereby given should be in force only for the term of two years, from the said first day of September then next, unless, by Order in Council, made in manner aforesaid, such period should be further extended :

And whereas by another Order in Council, dated the ninth day of January, one thousand eight hundred and sixty-three, Her Majesty was further pleased, by and with the advice of Her Privy Council, to order that from and after the sixteenth day of December, one thousand eight hundred and sixty-two, it should be lawful for all Military Officers in Her Majesty's service to enter into the military service of the said Emperor, and to accept any commission, warrant, or other appointment under the said Emperor, and to accept any money, pay, or reward for their services : And it was thereby ordered, that it should be lawful for all Officers in Her Majesty's military service to serve the said Emperor in any military, warlike, or other operations, and for that purpose to go to any place or places beyond the seas, and to accept any commission, warrant, or other appointment from or under the said Emperor, and to accept any money, pay, or reward for their services : Provided always, that the license and permission thereby given should be in force only until the first day of September, one thousand eight hundred and sixty-four, unless by Order in Council, made in manner aforesaid, such period should be further extended :

And whereas it has seemed fit to Her Majesty to revoke the said Orders :

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, is pleased to order, and it is hereby ordered, that so far as relates to any acts to be done in Great Britain or Ireland, the said several Orders in Council, bearing date, respectively, the thirtieth day of August, one thousand eight hundred and sixty-two, and the ninth day of January, one thousand eight hundred and sixty-three, shall be, and the same are, hereby revoked, as from the day of the date of this present Order ; and that, so far as relates to any acts to be done within the dominions of the Emperor of China, or elsewhere, than in the United Kingdom of Great Britain and Ireland, the said several Orders in Council, bearing date, respectively, the thirtieth day of August, one thousand eight hundred and sixty-two, and the ninth day of January, one thousand eight hundred and sixty-three, shall be, and the same are, hereby revoked, as from the expiration of three calendar months from the day of the date of this present Order.

(Sd.) ARTHUR HELPS.

The 9th May 1864.

No. 403 *of* 1864.—The Right Hon'ble the Governor General in Council is pleased to publish for general information the following Despatch received from the Right Hon'ble the Secretary of State for India, relative to the substitution of Honorary Commissions for the Veteran Commissions, formerly bestowed upon Warrant Officers of long and meritorious service.

2. In accordance with the instructions conveyed in paragraphs 11, 12 and 13, the question of a revision of the scale of pay, pensions, and other advantages at present granted to the higher grade of Warrant Officers, is now under consideration.

3. In the sense of the 14th paragraph, the Right Hon'ble the Governor General in Council will be prepared to forward the names of a certain number of selected Officers holding the superior departmental grades in view to their submission to Her Majesty for Honorary rank :—

MILITARY. INDIA OFFICE ;

No. 31. *London, the 30th January* 1864.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have received and considered in Council the late Governor General's letter, No. 90A., dated the 19th September 1863, upon the subject of the substitution of Honorary Commissions for the Veteran Commissions, formerly bestowed upon Warrant Officers of long and meritorious service ; and also a Despatch from your Government, No. 294 of the 8th October last, forwarding copy of a letter from the Government of Bombay on the same subject.

2. The Governor General observes, that, as the grounds upon which Her Majesty's Government have determined that the grant of Commissions in the Veteran Establishment shall be discontinued are not expressed, His Lordship is unable to meet or discuss them, and can only submit the reasons which force him earnestly to deprecate the proposed measure.

3. The determination to discontinue the grant of Commissions to the Veteran Establishment to Warrant Officers in India, and to substitute Honorary Commissions in their stead, was adopted after much and careful consideration, and with the concurrence of the Secretary of State for War, and the Field Marshal Commanding-in-Chief.

4. Under the altered circumstances of the Army in India, it was perceived that the practice of granting such Commissions, involved an anomaly, which, now that all Commissions would emanate from the direct authority of the Crown, it was necessary to get rid of, with a view to the complete assimilation of the usages of the service in India and elsewhere.

5. It was, therefore, determined to grant, according to the practice which obtains in Her Majesty's service, Honorary Commissions in lieu of Veteran Commissions to deserving Officers of this class.

6. The objections raised by His Lordship, the late Governor General, to the discontinuance of Veteran Commissions, are founded upon the loss and disappointment which is experienced by a very deserving class of public servants, by the substitution of rank without pay for a Commission which carried important pecuniary advantages.

7. The Government and Commander-in-Chief in Bombay object upon similar grounds.

8. In my Despatch, No. 461, of the 16th December 1862, paragraph 5, it is stated :—" It is to be understood that Commissions of this nature will not carry pay or increase of pay on attaining advanced rank. The remuneration of the individuals must be dependent on their position in the department or post in which they may be serving."

9. I entirely concur in the opinion expressed by His Lordship, the Governor General, regarding the value to the State of the class of public servants who are likely to be affected by this change.

10. There can be no doubt that the pecuniary advantages which have heretofore accompanied Commissions in the Veteran Establishment were fairly earned and well bestowed, but it is evident that such advantages are placed on their proper footing by being granted in connection with departmental service past or present, in which the recipient may be useful and distinguished, rather than as the accompaniment of a grade among the commissioned ranks of the Army, the duties of which he is, in most cases, not supposed to be fitted for, or expected to perform.

11. The Honorary Commission appears more appropriate for this class of public servants, while it is quite in accordance with the usages of Her Majesty's service.

12. I shall not object, however, to such a revision of the present scale of pay, pensions, and other advantages granted to the higher grade of Warrant Officers in the Ordnance and other Departments, as shall secure to a limited number of those grades, advantages in these respects fully equal to those which they may be considered to have lost by the discontinuance of Veteran Commission.

13. I request, therefore, you will take the subject into early consideration, with a view to the adoption of a uniform system in the three Presidencies, by which a limited number of Warrant Officers in the higher grades may be admitted to a scale of pay and pension, such as shall constitute a fitting remuneration for the discharge of their important duties, and a suitable recognition of past services in their several departments.

14. Of the Officers holding the superior departmental grades, a certain number might be, from time to time, selected, and their names submitted to Her Majesty for honorary rank.

(Sd.) C. WOOD.

The 10th May 1864.

No. 404 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following appointments in the Corps of Guides, of the Punjab Irregular Force, under the new organization :—

Colonel A. T. Wilde, C. B., Madras Staff Corps, to be Commandant, but to continue to officiate as Commandant, Punjab Irregular Force.

Lieutenant Colonel S. J. Browne, C. B. and V. C., Commandant, 2nd Punjab Cavalry, to officiate as Commandant.

Captain T. G. Kennedy, Bengal Staff Corps, to be 2nd in Command, but to officiate as Commandant, 2nd Punjab Cavalry.

Captain F. H. Jenkins, Bengal Staff Corps, 2nd in Command, 1st Seikh Infantry, to officiate as 2nd in Command and Wing Officer.

Lieutenant R. B. P. P. Campbell, Bengal Staff Corps, 2nd Squadron Officer, 2nd Punjab Cavalry, to be Commandant of Cavalry, vice Lieutenant C. W. Hawes, resigned.

Lieutenant A. M. Ommanney, late 17th Regiment, Native Infantry, to be Junior Squadron Officer.

Lieutenant W. Battye, late 6th European Regiment, to be Junior Wing Officer.

Lieutenant W. J. Forlong, Bengal Staff Corps, to be Adjutant.

Lieutenant A. G. Hammond, General List, Infantry, to be Quarter Master.

The 11th May 1864.

No. 405 *of* 1864.—The Right Hon'ble the Governor General in Council is pleased to confer the following rewards on the undermentioned Native Officers, Non-Commissioned Officers and men, of the late 3rd Irregular Cavalry, in consideration of their loyalty to the State and of the good services rendered by them :—

Ressaldar Rahim Khan,	To be a Member of the 2nd Class of the "Order of Merit," with effect from the 22nd May 1863.
Resaidar Amanut Khan, Naib Resaidar Sahib Zumah Khan, Naib Resaidar Zoolfeekar Allee, Jemadar Dad Sheer Khan, " Summund Khan, Duffadar Nubbee Hussein, " Wullee Mahomed Khan,	To be Members of the 3rd Class of the "Order of Merit," with effect from the 22nd May 1863.

Duffadar Abdool Ruhman Khan, Duffadar Golam Huzrut Khan, Duffadar Yad Hussein, Trumpeter Meeah Khan,	To be Members of the 3rd Class of the "Order of Merit," with effect from the 22nd May 1863.

The 13th May 1864.

No. 406 *of* 1864.—That portion of Government General Order, No. 334, dated 14th April 1864, which places the services of Lieutenant W. Rawlins at the disposal of the Foreign Department for appointment as Adjutant of the Erinpoorah Irregular Force, is hereby cancelled; and that Officer's services replaced at the disposal of the Punjab Government for appointment as Adjutant of the 3rd Seikh Infantry, Punjab Irregular Force.

No. 407 *of* 1864.—In continuation of Government General Order, No. 161A., of 29th October 1863, the annexed scale of staff salaries for certain appointments, not provided for in that order, is hereby sanctioned, with effect from the 1st September last :—

Governor General's Body Guard.—The Second in Command and Adjutant to receive the same staff salaries as Officers holding corresponding appointments in Regiments of Native Cavalry, in addition to staff corps pay of their respective ranks.

These Officers will, however, continue each to Command a troop, drawing the command and contingent allowances, as at present, in lieu of the amount granted to Squadron Officers in Regiments under the new organization, for the payment of their several charges.

The amount at present allowed to the Commandant as compensation for off-reckonings will cease, when the appointment is vacated by the present incumbent.

Lahore Light Horse.—The Commandant to receive a staff salary of Rupees 600, in addition to staff corps pay of rank.

The Adjutant to be on the same footing as an Adjutant of a Native Cavalry Corps, under the new organization.

Any reduction in the amount of existing receipts, caused by the foregoing scale, will not affect present incumbents.

No. 408 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Major Charles Lionel Showers, of the late 14th Regiment, Native Infantry.	For eighteen months, under the new Regulations.

No. 409 *of* 1864.—The undermentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Lieutenant A. Bruce, of the late 28th Regiment, Native Infantry.	28th April 1864.
Lieutenant W. H. Garton, of the Bengal Staff Corps, District Superintendent of Police, Joanpore.	

No. 410 *of* 1864.—In accordance with the 10th paragraph of Government General Order, No. 724, of the 19th August 1861, the following promotion is made in the Warrant Grade :—

Ordnance Department.—Sub-Conductor James Stagg, to be Conductor, with effect from the 30th March 1864, vice Conductor W. Webb, deceased.

No. 411 *of* 1864.—Captain J. C. Dickson, of the late 33rd Regiment, Native Infantry, is allowed an extension of leave to the 1st April 1864, the date on which he returned to Bengal from sick leave to the Cape and New South Wales.

No. 412 *of* 1864.—The furlough to Europe on private affairs, granted to Captain A. A. Bruce, of the Bengal Staff Corps, in Government General Order, No. 113, of the 9th February 1863, and extended in Government General Order, No. 594, of the 22nd September last, is further extended for a period of six months on the same account.

No. 413 *of* 1864.—The undermentioned Students of the Agra Medical College, having passed the prescribed examination, are admitted into the service as Native Doctors, with effect from the 15th April 1864, and placed at the disposal of the Principal Inspector General, Medical Department.

Aukbur Allie.	Chundun Singh.
Abdool Gunnie.	Toorab Khan.

Girdharee Lall.

No. 414 *of* 1864.—With reference to the Notification issued by the Government of Bengal, dated 29th ultimo, the services of Lieutenant J. R. Marett, late 2nd Native Infantry, Assistant Superintendent of Police, Cossyah and Jynteeah Hills, are, at his own request, placed at the disposal of His Excellency the Commander-in-Chief.

No. 415 *of* 1864.—The undermentioned men are admitted to pension, as specified opposite to their respective names :—

Bombardier Stuart Hay, of No. 1 Battery, Bengal Artillery. Bombardier Timothy McAuliffe, of the Artillery Company, European Invalid Battalion.	9*d.* (nine pence) per diem, payable in Europe.
Gunner John Mullin, of the Artillery Company, European Invalid Battalion.	Equivalent to 9*d.* (nine pence) per diem, payable in India.
Gunner Owen Riordon, of the Artillery Company, European Invalid Battalion.	1*s.* (one shilling) per diem, payable at the Cape of Good Hope.
Drummer Thomas Seville, of the Artillery Company, European Invalid Battalion.	Equivalent to 1*s.* (one shilling) per diem, payable in India.
Gunner Dennis O'Brien, of No. 1 Battery, Bengal Artillery. Gunner Richard Walsh, of No. 1 Battery, Bengal Artillery.	9*d.* (nine pence) per diem, payable in Europe.

No. 416 *of* 1864.—The following promotions are made in the undermentioned corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
4th Bengal Cavy.	Ressaidar Neazoola Khan...	Ressaldar	1st May 1863	Khan Mahomed Khan, invalided.
Ditto ...	Naib Ressaldar Sirpraz Khan	Ressaidar	Ditto ...	Neazoola Khan, promoted.
7th ditto ...	Kote Duffadar Noor Khan	Jemadar...	11th Nov. 1863	Mahomed Hoossein Khan, appointed Woordie Major.
11th ditto ...	Duffadar Jhundah Sing ...	Ditto ...	1st June 1863	Mustan Sing, resigned.
4th Regt., N. I.	Havildar Ulyar Khan ...	Ditto ..	17th Aug. 1863	Shaick Mulungee, invalided.
Ditto ...	Havildar Jawahir Sing ...	Ditto ...	14th Mar. 1864	Shekh Peer Buksh, invalided.

No. 417 *of* 1864.—Lieutenant Henry Robert Brown Worsley, Quarter Master of the 7th Regiment, Native Infantry, is permitted to proceed to Europe on leave of absence on sick certificate for twenty months under the new Regulations, with effect from the date of his departure from Bengal, viz., the 25th November* 1863, on the sick leave granted to him in G. G. O., No. 657, of the 30th October last.

* See G. G. O., No. 76 of 1863.

No. 418 *of* 1864.—Out-pensioner James McEvoy, of the Royal Hospital at Chelsea, from Her Majesty's 92nd Foot, was paid up his pension, previous to his being permitted to reside at this Presidency, to the 30th September, instead of to the 30th November 1863, as notified in G. G. O., No. 33, of the 13th January 1864; payment of pension in India is to be made accordingly.

No. 419 *of* 1864.—With reference to the Notification issued by the Government, North-Western Provinces, No. 1069A., dated 23rd ultimo, the services of Assistant Surgeon A. Fitzgerald, Civil, Moradabad, are placed at the disposal of His Excellency the Commander-in-Chief, with effect from the 23rd ultimo.

No. 420 *of* 1864.—Jemadar Jehmul Sing, of the 25th Punjab Native Infantry, is permitted to resign the service.

No. 421 *of* 1864.—The services of Lieutenant A. J. C. Cunningham, of the Royal Engineers, are placed, temporarily, at the disposal of the Government of the North-Western Provinces.

The 14*th May* 1864.

No. 422 *of* 1864.—The services of Lieutenant H. U. Smith, late 46th Regiment, Native Infantry, are placed, temporarily, at the disposal of the Government of the North-Western Provinces.

No. 423 *of* 1864.—The services of Captain H. A. Prinsep, of the 107th Regiment, are, temporarily, placed at the disposal of the Government of the North-Western Provinces.

No. 424 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following appointments :—

PUNJAB IRREGULAR FORCE.

4th Punjab Cavalry.

Lieutenant F. Hammond, Bengal Staff Corps, Adjutant, to be 2nd Squadron Officer, vice Lieutenant Roberts, removed to another appointment.

1st Seikh Infantry.

Lieutenant L. C. DeL. Daniell, paid Doing-duty Officer, to be Quarter Master.

Lieutenant F. T. Bainbridge, of the late 64th Regiment, Native Infantry, to be Doing-duty Officer and to act as Adjutant, during the period Lieutenant Ross officiates as 2nd in Command and Wing Officer.

4th Seikh Infantry.

Lieutenant F. St. Q. Clutterbuck, General List, Infantry, attached to the 12th Regiment, Native Infantry, to be Doing-duty Officer.

2nd Punjab Infantry.

Lieutenant N. J. Jones, of the late 15th Regiment, Native Infantry, Assistant Superintendent of Police in the Punjab, to be Doing-duty Officer, vice Lieutenant Thomson, appointed Quarter Master, and to act as Quarter Master during Lieutenant Thomson's absence on furlough.

4th Punjab Infantry.

Lieutenant G. C. DeLautour, paid Doing-duty Officer, to be Quarter Master.

No. 425 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following appointments :—

PUNJAB IRREGULAR FORCE.

No. 1 *Punjab Light Field Battery.*

Lieutenant F. E. Lewes, paid Doing-duty Officer, to officiate as Commandant, vice Captain Cumberland, proceeded on furlough. Lieutenant V. Rivaz, Royal Artillery, to officiate as Doing-duty Officer, vice Lieutenant Lewes.

No. 426 *of* 1864.—His Excellency the Governor General in Council is pleased to appoint Surgeon Henry B. Buckle, of the 1st Punjab Infantry, to officiate as Principal Medical Store-keeper to Government, vice Surgeon Major C. L. Cox, A. B., proceeding to Europe on medical certificate.

The 16*th May* 1864.

No. 427 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB IRREGULAR FORCE.

No. 2 *Punjab Light Field Battery.*

Lieutenant A. Conolly, Royal Artillery, to be Officiating doing-duty Officer, vice Lieutenant Craster, resigned.

The 18*th May* 1864.

No. 428 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following appointment :—

Colonel W. E. Mulcaster, of the Bengal Staff Corps, Commandant of the 5th Bengal Cavalry, to the Brigade Staff with the rank of Brigadier General, in succession to Colonel J. D. Macpherson, C. B., appointed Commissary General.

No. 429 *of* 1864.—The Right Hon'ble the Governor General in Council is pleased to direct that the Brigade Command of the Station of Barrackpore shall be abolished from the 1st proximo, from which date the command will be exercised by the Senior Officer, and the staff duties conducted by a first class Station Staff Officer.

From the same date a new Brigade Command is established, to be styled the "Eastern Frontier Brigade."

The troops stationed in the Province of Assam, in the Cossyah and Jynteah Hills, and at Sylhet, will be included in this command, which will be on the footing of a second class brigade, but will be separated from the Presidency Division and be considered as an independent district, reporting direct to Army Head Quarters.

The Head Quarters of the Brigade will ordinarily remain at the principal Civil Station of Assam—Gowahutty, but it will be an important part of the duty of the Brigadier General, to inspect every out-station within his command, at least once in the course of each year.

No. 430 *of* 1864.—In assimilation to the organization laid down for the Native Army, in General Order by the Governor General, No. 161A., of the 29th October 1863, the Right Hon'ble the Governor General in Council is pleased to fix the following as the Establishment and Staff Pay of Officers for the Corps of Guides, consisting of four troops of Cavalry and eight Companies of Infantry, exclusive of the Medical Officer.

The revised scale of pay will have effect from the 1st September last, or from such subsequent date as Officers may have assumed charge of the duties of appointments as now fixed, but in no case is any reduction to take place in the pay of present incumbents :—

	Staff Pay per mensem.	Contingent Allowance per mensem.
1. Commandant, ...	Pay already fixed.	Nil.
2. Second in Command and Wing Officer,	Rs. 350	Rs. 20 per Company.
3. Commandant of Cavalry and Squadron Officer,	„ 350	„ 30 for Command of Squadron.
4. Junior Squadron Officer,	„ 250	„ 30 for Command of Squadron.
5. Junior Wing Officer,	„ 250	„ 20 for each Company.
6. Adjutant, ...	„ 275	„ 50, Office Allowance
7. Quarter Master, ...	„ 200	The Quarter Master will draw the authorized allowance for repair of tents, &c
8. Doing-duty Officer, ...	„ 150	

The Second in Command of the Corps will always rank, regimentally, next to the Commandant, and the Commandant of Cavalry next to the Second in Command. The other Officers will rank in the Corps according to the dates of their Commissions.

No. 431 *of* 1864.—In continuation of Government General Order, No. 407, of the 13th instant, the following scale of staff salaries for the undermentioned appointments not provided for in General Order by the Governor General, No. 161A., dated the 29th of October 1863, is directed, with effect from the 1st of September last, but in cases where an Officer draws more than the pay now fixed, no reduction will take place :—

Central India Horse.

Commandant, in addition to his Staff Corps pay of rank, ... Rs. 800 0 0

Seconds in Command (in charge of Corps), ... „ 400 0 0

Deolee and Erinpoora Forces.

Squadron Officers, ... Rs. 300 0 0

The 19*th May* 1864.

No. 432 *of* 1864.—The following paragraphs of a Military letter from the Right Hon'ble the Secretary of State for India, No. 112, dated 16th

April 1864, are published for general information:—

1. The undermentioned Officers have been permitted to return to their duty, viz.,

Major O. Hamilton, viâ Bombay.
" F. H. Smith.
Captain J. A. Augus.
Lieutenant G. A. Way.
Surgeon Major C. Archer, M. D.

2. The undermentioned Officers have been granted extensions of leave for the periods specified, viz.,

Major A. Blackwood, ...	6 months.
Captain E. Thompson, ...	6 months.
" A. Shepherd, ...	6 months.
Captain A. Cory, ...	3 months.
Lieutenant G. H. Heaviside,...	3 months.
Lieutenant C. A. Munro, ...	5 months.
Lieutenant G. A. A. Baker, ...	6 months.
" J. W. Ridgeway,...	6 months.
" J. G. Campbell, ...	6 months.
" J. B. Chatterton,...	6 months.
" J. H. Blunt,... ...	6 months.
" H. T. Sitwell, ..	6 months.
" D. R. Clarke, ..	6 months.
Assistant Surgeon W. Watson,	6 months.

3. The undermentioned Officers have been permitted to retire from the service, from the dates specified:—

Surgeon Major C. M. Henderson, from the 11th March 1864.

Surgeon Major A. Grant, from 23rd August 1863.

Surgeon A. White, M. D., from 7th March 1864.

4. Assistant Surgeon J. A. Sewell, M. D., has been permitted to resign the service.

No. 433 *of* 1864.—The undermentioned men of Her Majesty's service are permitted to reside and draw their pay in India as Out-pensioners of Chelsea Hospital, according to the 23rd Clause of the Royal Warrant of the 1st July 1848, pending a reference to the Home Authorities as to the amount of their pensions:—

Private Girdlestone, of Her Majesty's 35th Foot.

Private Benjamin Brough, of Her Majesty's 98th Foot.

No. 434 *of* 1864.—The undermentioned Officers have reported their departure, on the dates specified opposite to their respective names:—

Captain G. F. F. Vincent, of the late 30th Regiment, Native Infantry, on leave to Sea, &c., for eight months, Government General Order, No. 361, of the 29th April 1864.	"Orissa," 23rd April 1864.
Captain (Brevet Major) J. J. H. Gordon, of Her Majesty's 46th Foot, Commanding 29th (Punjab) Regiment, Native Infantry, on leave to England, G. G. O., No. 362, of the 29th April 1864.	"Golconda," 24th April 1864.
Assistant Surgeon J. Elliot, M. D., of the Medical Department, Civil Assistant Surgeon of Hooghly, on furlough for two years, G. G. O., No. 301, of the 2nd April 1864.	"Golconda," 24th April 1864.
Lieutenant Colonel S. J. Hire, of the Bengal Staff Corps, Brigade Major, Jullundur, on leave to Europe, on urgent private affairs, for six months, G. G. O., No. 212, of the 10th March 1864.	"Salsette," 29th April 1864. From Bombay.
Major C. L. Showers, of the late 14th Regiment, Native Infantry, on leave for eighteen months, G. G. O., No. 408, of the 13th May 1864.	"Alphee," 4th May 1864.
Lieutenant (Brevet Captain) C. Armstrong, of the late 10th Regiment, Native Infantry, Wing Officer, 14th (the Ferozepore) Regiment, Native Infantry, on furlough for three years, G. G. O., No. 386, of the 29th April 1864.	"Alphee," 4th May 1864.
Surgeon A. J. Payne, M. D. and B. A., of the Medical Department, Superintendent of the European and Native Insane Asylums, at Bhowaneepore and Dullunda, on leave for fifteen months, G. G. O., No. 358, of the 15th April 1864.	"Alphee," 4th May 1864.

No. 435 *of* 1864.—The following promotions are made, subject to Her Majesty's approval:-

BREVET.

Rank, Names and Corps.	To what rank promoted.	From what date.	In whose room.
Major Alexander Boyd, Bengal Infantry, ...	Lieutenant Colonel.	18th January 1864	Major General R. Thorpe, Madras Infantry, deceased.
Captain Henry Shewell, Bombay Infantry, ...	Major	18th January 1864	Major General R. Thorpe, Madras Infantry, deceased.

No. 436 *of* 1864.—The following orders issued by the Government of Bombay are confirmed:—

Granting leave of absence to Europe on medical certificate, to the undermentioned Officers:—

No. 206, *dated* 26*th April* 1864.—Assistant Surgeon A. D. Campbell, M. D., of the Medical Department, in medical charge, Deolee Irregular Force.	For 20 months, under the new Regulations.
No. 209, *dated* 26*th April* 1864.—Lieutenant Colonel (Major General) G. St. P. Lawrence, C. B., of the Bengal Staff Corps, Agent to the Governor General for the States of Rajpootana, and Commissioner for the Neemuch District.	For 20 months each.
Lieutenant Colonel E. J. Rickards, of the Bengal Staff Corps, Commanding Ajmere and Mhairwarra Police Corps.	
2nd Captain W. B. Cumberland, Royal Artillery, Commanding No. 1 Punjab Light Field Battery.	For 20 months, under the old Regulations.
Lieutenant J. W. McQueen, of the Bengal Staff Corps, 2nd in Command and Wing Officer, 4th Infantry, Punjab Irregular Force.	For 20 months.

No. 437 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate:—

Surgeon James Lee, M. D., of the Medical Department.	For 20 months, under the new Regulations.
Lieutenant William Burnet Craigie, of the General List, Cavalry, Officiating Assistant Inspector General of Police, Meerut Division.	For 18 months, under the new Regulations.

No. 438 *of* 1864.—The services of Assistant Surgeon F. W. A. DeFabeck, 35th Regiment, Native Infantry, are placed at the disposal of the Foreign Department.

The 20*th May* 1864.

No. 439 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following appointments in the Hyderabad Contingent:—

Captain R. C. Henchy, Royal Artillery, (Madras), Commandant, No. 4 Light Field Horse Battery, (at present on furlough to Europe on medical certificate), to be Commandant of No. 2 Battery, vice Captain Baker, removed.

Lieutenant W. F. Grey, Royal Artillery, (Madras), Officiating Commandant, No. 4 Battery, to be Commandant, vice Captain Henchy.

Lieutenant H. F. Pritchard, Royal Artillery, (Madras), will continue to officiate as Commandant of No. 2 Battery, during Captain Henchy's absence.

No. 440 *of* 1864.—Subadar Ramnund, of th 41st Regiment, Native Infantry, is permitted t resign the service.

H. W. NORMAN, *Col.*,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 123.

ESTABLISHMENT

Simla, the 10*th May* 1864.

Notification.—The services of Captain F. G. S Parker, 54th Foot, 2nd Class Assistant Engineer Public Works Department, North-Western Prov inces, are placed at the disposal of the Govern ment of India in the Military Department.

No. 124.

Removal.—Mr. R. Porter, temporary Overseer Port Blair, is removed from the Public Work Department, with effect from the 12th March 1864.

No. 125.

The 12*th May* 1864.

Notification.—Leave.—Mr. F. C. Marshal, Executive Engineer, 3rd Oudh Road Division, i granted one month's privilege leave from such dat as he may avail himself of the same.

No. 126.

Captain F. F. Pollok, temporary 3rd Class Executive Engineer, joined the Coco's Light House Division, on the 9th March 1864; vide Notification No. 14, dated 19th January 1864.

No. 127.

Transfer.—Sub-Conductor W. Jackson, Overseer, Department Public Works, is transferred from the North-Western Provinces to Bengal, in supersession of Notification No. 124, G. G., dated 30th October 1863, transferring him to the Central Provinces.

No. 128.

REVENUE FORESTS.

Appointments.—Dr. H. Cleghorn, Conservator of Forests, Madras, is appointed to do duty in the Office of the Inspector General of Forests, as a temporary arrangement.

No. 129.

Lieutenant J. C. Doveton, 1st Regiment, Madras Native Infantry, is appointed an additional Assistant Conservator of Forests, in the Central Provinces, on probation, with effect from date of joining.

R. STRACHEY, *Col.*, R. E.
Secy. to the Govt. of India.

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 21.

SUPPLEMENT TO

The Gazette of India.

SATURDAY, MAY 21, 1864.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of Fort St. George.

Chinchona Operations on the Neilgherries.

Report on the Number, Distribution, and Condition of Chinchona plants on the Neilgherries, on the 31st March 1864.

Species.	Botanical Names.	Commercial Names.	No. of plants.	Value per lb. of Dry Bark in the London Market.	REMARKS.
				s. d. s. d.	
1	C. Succirubra ...	Red Bark	97,918	2 6 to 8 9	The number of plants permanently planted out remain as formerly, viz., 66,622.
2	C. Calisaya ...	Yellow Bark	1,871	2 10 to 7 0	
3	C. Officinalis ... Var Condaminea.. (C. Uritusinga)...	Original Loxa Bark ...	6,592	2 10 to 7 0	The increase by propagation during the month is 20,118, being 1,574 plants above the average of the last six months, making the total number of plants at the end of March 3,41,865.
4	Ditto ... ... Var Bonplandiana... (C. Chahuarguera)..	Select Crown Bark ...	2,08,465	2 10 to 7 0	
5	C. Crespilla ...	Fine Grey Bark ...	1,618	2 10 to 6 0	
6	C. Lancifolia ...	Pitayo Bark ...	8	1 8 to 2 10	
7	C. Nitida	Genuine Grey Bark ...	8,419	1 8 to 2 9	
8	C. Species without name	Fine Bark	2,760	1 8 to 2 10	
9	C. Micrantha ...	Grey Bark	10,627	1 8 to 2 9	
0	C. Peruviana ...	Finest Grey Bark ...	3,164	1 8 to 2 10	
11	C. Pahudiana ...	Unknown	425	Worthless.	
		Total No. of plants...	3,41,865		

TABLE II.

Memorandum of the growth of eleven Plants of C. Succirubra, planted on the 2nd Denison Plantation, at Neddivuttum, on the 30th August 1862.

No. of Plants.	Height in inches when planted on the 30th August 1862.	Height in inches on the 29th February 1864.	Height in inches on the 31st March 1864.	Growth in inches during March 1864.	By whom planted.	REMARKS.
No. 1	23	94	94	0	His Excellency Sir William Denison.	Table II exhibits the growth of eleven plants of C. Succirubra planted out by His Excellency the Governor and other gentlemen at Neddivuttum, on the 30th August 1862. The average growth of these plants during the month is one and one-eleventh inches, or about ¾ of an inch above the average growth of last month.
„ 2	16½	87	88	1		
„ 3	19	82	85	3		
„ 4	15	87¾	87¾	0		
„ 5	27	102½	102½	0		
„ 6	20	74	75	1		
No. 7	20	91	93	2	J. W. Breeks, Esq.	
„ 8	18	90	91	1	Dr. Sanderson.	
„ 9	20	89	91	2	J. D. Sim, Esq.	
„ 10	20	97	98	1	Lieutenant McLeod.	
„ 11	18	87	88	1	P. Grant, Esq.	
„ 12	0	30	30	0	Plant cut down for bark.	

TABLE III.

Showing the height of twelve plants of C. Officinalis, planted on the Dodabetta Plantation, at Ootacamund, on the 30th September 1863.

No. of Plants.	Height in inches when planted on the 30th September 1863.	Height in inches on the 29th February 1864.	Height in inches on the 31st March 1864.	Growth in inches during the month.	REMARKS.
No. 1	19	34½	38	3½	
„ 2	14½	28	30½	2½	
„ 3	28	46	48½	2½	
„ 4	22	37	40½	3½	
„ 5	21½	35	37½	2½	One of the two plants, cut down on the 20th of March last, for the bark submitted to Mr. Howard for analysis, has made strong shoots of 30 inches in height.
„ 6	23	46	48	2	
„ 7	22½	35	39	4	
„ 8	21½	38	42	4	The twelve plants of Chinchona Officinalis (a shrubby species) on the Dodabetta plantation, gives an average growth of 3½ inches, or the same as last month.
„ 9	21½	40	44	4	
„ 10	19½	37	42	5	
„ 11	24	38	42	4	
„ 12	24	36	40½	4½	

TABLE IV.

Memorandum of Chinchona plants distributed.

Names.	Station.	No. of Plants.	Remarks.
Mr. F. N. Malthy	Travancore ...	16	The number of plants issued to the public is 568, making the total number of plants distributed 11,393.
Dr. Junghun	Java ...	56	
Mr. A. R. Lascelles ...	Ootacamund ...	12	The drought being unusually severe, it was found necessary about the middle of the month, to water the plants by hand, a tedious and expensive operation, which fortunately it was not necessary to continue for any length of time as fine showers fell on the 30th and 31st.
Mr. M. Anderson	Jamaica ...	2	
Dr. Wiehe	Bombay ...	10	
Dr. T. Anderson	Calcutta ...	554	The dry season just passed has been the most severe experienced for 15 years; not a drop of rain having fallen between the 8th December and 30th March.
Dr. Jamieson	Saharanpore ...	107	
Professor Lees	Calcutta ...	547	
Rajah of	Travancore ...	521	
Major Morgan	Ootacamund ...	216	
Mr. E. T. Fitzgerald ...	Calcutta ...	405	
Mr. J. W. Money	Ditto ...	581	
Dr. W. Bourne	Ditto ...	532	
Captain Cox	Wainad ...	6	
Mr. Hallock	Ditto ...	2	
Mr. T. Sheffield	Ootacamund ...	12	
Dr. F. Day	Cochin ...	100	
Mr. Brown	Tellicherry ...	12	
Mr. J. Hall	Ootacamund ...	144	
Mr. J. Knop	Ditto ...	18	
Captain Lees	Bengal ..	281	
Mr. W. H. Rayne	Manantoddy ...	24	
Reverend Sawyer	Ootacamund ...	18	
Mr. Frend	Ditto ..	12	
Mr. Hallock	Ditto ...	1	
Mr. J. Peric	Seegoor ...	12	
Colonel Scott	Ootacamund ...	724	
Mr. F. Berend	Cachar ...	275	
Reverend J. Hunter ...	Coonoor ...	12	
Mr. J. Mullaly	Ditto ...	24	
Mr. W. H. Stanes	Ditto ...	12	
Col. R. Cooper	Kotagherry ...	12	
Mr. F. Cockburn	Ditto ...	12	
Colonel Woodfall	Coonoor ...	12	
Mr. C. Anderson	Ditto ...	24	
	Carried over ...	5,308	

Memorandum of Chinchona Plants distributed,—Concluded.

NAMES.	Station.	No. of Plants.	REMARKS.
	Brought forward ...	5,308	
Colonel Angelo	Ootacamund ...	12	
Reverend E. Laseron ...	Ditto ...	12	
Captain R. N. Taylor ...	Coorg ...	96	
Major W. Agnew	Assam ...	139	
Mr. V. H. Levinge ...	Madura ...	12	
Chief Commissioner ...	Nagpore ...	28	
Mr. Fletcher	Ootacamund ...	24	
Gool Mahomed	Ditto ...	20	
General McCleverty ...	New Zealand ...	23	
Mr. W. Robinson ...	Kotagherry ...	6	
Mr. Crake	Wainad ...	12	
Mr. H. R. Dawson... ...	Seegoor ...	12	
Captain Mann	Coorg ...	48	
Mr. E. Roberts	Ootacamund ...	6	
Mr. H. Russell	Wainad ...	12	
Reverend Wait	Coonoor ...	2	
Mr. H. de Facien	Katary ...	5,189	
Collector of	Belgaum ...	28	
Collector of	Honore ...	28	
Dr. Ross	Ditto ...	15	
His Excellency the Governor of...	Bombay ...	158	
Mr. H. Hinde	Wainad ...	12	
Mr. E. B. Thomas	Coonoor ...	12	
Rajah of	Poonganoor ...	12	
Messrs. Thomson Shaw & Co. ...	Ditto ...	28	
Mr. T. H. Trinson	Ditto ...	31	
Dr. Muller	Melbourne ...	28	
Mr. Tyrrell	Mysore ...	12	
Dr. Sayers	Vellore ...	12	
Major Taylor	Ootacamund ...	50	
Dr. Wilson	Ditto ...	6	
	Total No. of plants,	11,393	

OOTACAMUND,
The 8th April 1864.

(Signed) W. G. McIVOR,
Supt. Govt. Chinchona Plantations.

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No. 21.

The Gazette of India.

Published by Authority.

SATURDAY, MAY 28, 1864.

HOME DEPARTMENT.

No. 318.

Simla, the 17th May 1864.

Notifications.—Six months' leave of absence, on medical certificate, with effect from the 16th instant, is granted to Mr. W. E. Kinsey, an unpassed Civil Servant, to proceed to Subathoo.

No. 325.

The 20th May 1864.

Lieutenant G. C. Sconce, Master Attendant and Marine Store-keeper, Moulmein, made over charge of his office to Mr. J. Slade, First Officer of Her Majesty's Steamer "Nemesis," on the forenoon of the 16th November 1863.

No. 320.

The 23rd May 1864.

In accordance with the provisions of Section 15, Act V of 1861, the Governor General in Council has ordered that a force of extra Police, consisting of 1 Head Constable, first grade, on Rs. 14, and 6 Constables at Rs. 6 each per mensem, shall be quartered on the village of Palee, in the district of Hurdui, for the period of six months, and shall be maintained at a cost assessed by the Deputy Commissioner of the district on the people of the village, according to their means.

No. 322.

The 26th May 1864.

The services of the undermentioned Junior Civil Servants are placed at the disposal of the Foreign Department:—

Mr. A. G. Walker,
Mr. C. A. Roe,
Mr. T. W. H. Tolbert,
Mr. J. Frizelle.

No. 324.

Major G. G. Moxon, Deputy Inspector General of Police, Nerbudda Division, in the Central Provinces, has obtained one month's preparatory leave of absence, from the date on which he may avail himself of it, to proceed to Calcutta, for the purpose of appearing before a Medical Board, with a view to obtaining leave, on medical certificate, to England.

No. 337.

MARINE.

The 20th May 1864.

The following Notification is republished for general information:—

GOVERNMENT NOTICE.—No. 37, 1864.

Colonial Office, Cape of Good Hope,
28th January 1864.

His Excellency the Governor has directed the publication of the following Notice, describing the New Light on Cape St. Blaize, Mossel Bay, which will be exhibited on the 15th March 1864.

By command of His Excellency the Governor,

RAWSON W. RAWSON,
Colonial Secretary.

CAPE ST. BLAIZE LIGHT, MOSSEL BAY.

A *Lighthouse* has been erected on *Cape St. Blaize, Mossel Bay*,—a Light from which will be exhibited on and after the 15th of March 1864.

Latitude of Light, 34-11-10 S.
Longitude, 22-9-31 E.
High-water, at full and change, 3h. 30m.
Rise and fall, 6 to 7 feet.
Variation of the Compass, 29-50.

Bearings are magnetic, distances nautical miles.

The *Lighthouse* is a square Tower standing on the Bluff of Cape St. Blaize, at an elevation of 240 feet above the Sea. It exhibits a *Red Fixed Light*, of the third order, Dioptric, and is visible between

the bearings of N. N. W. round by the East, South and West to S. 80 degrees W., or N. 80 degrees E. from a ship at the distance of 10 to 12 miles in clear weather.

(Signed) F. SKEAD, R. N.,
Admiralty Surveyor.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 38.

JUDICIAL.

Simla, the 17th May 1864.

Notification.—Captain H. C. Menzies and Captain J. Davies, District Superintendents of Police, in East and West Berar, respectively, are invested with the powers of a Magistrate, under Section 6 of Act V of 1861.

C. U. AITCHISON,
Under-Secy. to the Govt. of India.

REVENUE.

Lucknow, the 14th April 1864.

Notification.—Whereas it appears to the Chief Commissioner of Oudh that land is required to be taken up at the public expense for a public purpose, in the District of Durriabad, viz., for construction of a bungalow and out-offices for the Opium Department, it is hereby notified, that land in the village, and to the extent specified in the margin, is required for the said purpose.

Pergunnah.	Mouzah.	Quantity of land required.
Nawobgungo ...	Abree...	

2. This declaration is made under Section 2, Act VI of 1857.

(Signed) H. J. SPARKS,
Asstt. Secy. to the Chief Comr. of Oudh.

No. 35.

MILITARY.

The 21st May 1864.

Notifications.—Assistant Surgeon A. D. Campbell, M. D., in medical charge of the Deolee Irregular Force, reported his departure, on medical certificate, from Bombay, by the P. and O. Co.'s Steamer of the 29th April last.

No. 37.

The G. O., No. 14, dated 2nd instant, appointing Lieutenant W. Rawlins to be Adjutant of the Erinpoorah Irregular Force, is hereby cancelled, and his services are replaced at the disposal of the Military Department.

No. 78.

POLITICAL.

Notification.—The services of Assistant Surgeon B. Simpson, M. D. and A. B., in medical charge of the Bootan Mission, are replaced at the disposal of the Government of Bengal.

No. 156.

GENERAL.

The 17th May 1864.

Notifications.—Captain H. Phillpotts, Assistant Agent, Governor General, in Rajpootana, received charge of the Harowtee Political Agency from Captain Beynon, on the morning of the 19th March last, and not on the 14th idem, as notified in General Order, No. 908, dated 12th ultimo.

No. 158.

The services of Major W. D. Dickson, of the Bombay Staff Corps, and late Assistant General Superintendent of Thuggee and Dacoitee, are replaced at the disposal of the Government of Bombay.

No. 161.

The Reverend W. B. Drawbridge, Assistant Chaplain of Nowgong, was left at Sea, by the Pilot, on board the "Pembroke Castle," on the 23rd ultimo.

No. 162.

Lieutenant J. J. Blair, appointed in General Order, No. 615, dated 8th April, to officiate as an Assistant to the Agent, Governor General, in Rajpootana, reported his arrival at Mount Aboo, on the 19th idem.

No. 164.

Mr. E. N. C. Braddon, Superintendent of Excise and Stamps, in Oudh, is granted three months' leave of absence, on urgent private affairs, from the 22nd March, in lieu of the privilege leave, for one month, previously granted.

No. 167.

Mr. T. Shepherd, Deputy Commissioner, 4th Class, Ramrie, British Burmah, has obtained one month's preparatory leave of absence, to proceed to Calcutta, for the purpose of obtaining a medical certificate to England.

Mr. Shepherd made over charge of the Ramrie District and Treasury to Lieutenant A. G. Duff, Officiating Deputy Commissioner, 4th Class, on the afternoon of the 5th April last.

No. 212.

The 21st May 1864.

Assistant Surgeon H. R. Oswald, M. D., in medical charge of the Nuggur Division, in Mysore, has obtained one month's privilege leave of absence from the 23rd April last.

No. 214.

His Excellency the Viceroy and Governor General in Council is pleased to appoint Mr. Claud

Douglas, Senior Patrol, to be Collector of Customs at Seonee, vice Mr. Melville.

No. 216.

Major General G. St. P. Lawrence, C. B., Agent, Governor General, for the States of Rajpootana, sailed from Bombay, by the Steamer "Salsette," on the 29th April last.

No. 218.

Sir George Couper, Baronet, C. B., Judicial Commissioner of Oudh, is granted three months' leave, under Section 12 of the Amended Absentee Rules, from the 1st August next, or from such subsequent date as he may avail himself of the same.

Mr. St. George Tucker, Commissioner of the Khyrabad Division, will officiate as Judicial Commissioner during Sir George Couper's absence.

No. 220.

Lieutenant T. G. Clarke, 2nd Class Deputy Superintendent, Hassan District, in Mysore, has obtained two months' privilege leave of absence from the 3rd April last.

No. 222.

His Excellency the Viceroy and Governor General in Council is pleased to appoint Assistant Surgeon T. G. Skardon to the medical charge of the Station of Mundla, in the Central Provinces.

No. 226.

Mr. C. Lindsay, C. S., Settlement Officer of Hurdui, is granted six months' leave, to Europe, on urgent private affairs, with the usual preparatory leave, from the date on which he may avail himself of the same.

No. 228.

The services of Mr. J. Treacy, 1st Assistant Settlement Officer, in Pegu, and Supernumerary Assistant Commissioner, 3rd Class, in British Burmah, are transferred, temporarily, to Rangoon, for the performance of Settlement and Revenue duties, with effect from the forenoon of the 31st March last.

No. 230.

Captain J. G. Bell, Assistant Commissioner, Hyderabad Assigned Districts, assumed charge of the District of West Berar on the forenoon of the 20th April last.

No. 232.

Lieutenant R. Bullock, Assistant Commissioner, West Berar, Hyderabad Assigned Districts, proceeded to East Berar and assumed charge of the 1st Assistant Commissioner's Office on the forenoon of the 21st April last.

No. 234.

Dr. J. C. Whishaw, Civil Assistant Surgeon of Fyzabad, in Oudh, returned to duty on the 1st instant, from the privilege leave granted him in G. O., No. 801, dated 30th March last.

No. 237.

Mr. G. E. Barr, Extra Assistant Commissioner, 1st Class, in British Burmah, is appointed to be Registrar of Town Lands in Rangoon, as a temporary arrangement, with effect from the afternoon of the 5th January last.

C. U. AITCHISON,
Under-Secy. to the Govt. of India.

No. 242.

The 25th May 1864.

Notifications.—By order of the Viceroy and Governor General in Council, the following Despatch from Her Majesty's Government, No. 16, dated 24th March 1864, relating to the qualification tests for employment in the Civil and Political Departments of the Staff Corps, is published for general information:—

Para. 1.—"In my Despatch, No. 44 of 9th February 1864, in the Military Department, I communicated to your Excellency the views of Her Majesty's Government with respect to the tests of qualification to be prescribed for entrance into the several Military Departments of the Staff Corps of the three Presidencies of India."

2. "I now purpose to address you on the subject of the necessary tests for the admission of Military Officers to the Civil and Political Departments of the Administration."

3. "These departments embrace all the appointments held by Military Officers in connexion with the Civil Administration of the Non-regulation Provinces, and with the several Political Agencies representing British interests in the Native States."

4. "During the last fifteen years, both the number and the importance of these appointments have been greatly increased by the extension of British Dominion in India; and Her Majesty's Government are desirous that the greatest possible caution should be exercised in the selection of Officers for posts requiring so much varied ability, sound judgment, and discreet temper, and involving such great responsibility."

5. "There is no description of staff appointments which demands from the several incumbents, whether in territories recently brought under our rule, or in the possessions of Native Princes of India, so large a knowledge of the languages, the institutions, the customs, the habits, and the feelings of the people. I am of opinion, therefore, that not only should the test of qualification in this instance be a high one, but that the period of probation should be exceptionally extended."

6. "It appears to me that this probation should be of two kinds. In the first instance, I am of opinion, that no Officer should enter upon the employment under the Foreign Departments of the Indian Governments, until he has been attached for at least a year to a Native Regiment, serving with which the probationer may be expected to acquire some knowledge, not only of the Native Soldiery, but of the classes also from which they are drawn, and generally of the habits and feelings of the people."

7. "On the termination of this period, it would be necessary that the Officer, if an opportunity were afforded to him of obtaining employment

under the Foreign Department, should be furnished with a testimonial from his Commanding Officer with respect to his competency and good conduct, and especially to his conciliatory demeanour towards the Native soldiery and other people of the country with whom he may have been brought into personal intercourse."

8. "Having served the necessary period of probation, and undergone the prescribed test for admission into the general body of the staff, he should then be subjected to a further period of departmental probation and to certain special tests of qualification. Another year of probation would suffice, at the end of which the candidate for permanent admission into the Civil and Political branches of the Administration would have to undergo the examinations prescribed in the Rules laid down in the Resolution of the 14th of July 1863. These Rules appear to me, to a great extent, to meet the requirements of the case. On passing this examination and obtaining from the Chief of the Commission, or the Political Agency under which he has served, a certificate of his general good conduct and conciliatory demeanour towards the Natives of all classes, the probationer would be permanently admitted to employment in the Civil and Political Departments."

9. "The Rules are in terms applicable only to Officers who may have joined the Staff Corps, but I presume that you intend that they should be applied equally to Officers of the late Indian Army who have been declared eligible and whom you may select for similar appointments. Of course it is not intended by these Rules to alter, in any respect, the conditions under which members of the Civil Service are eligible to employment in these branches of the administration."

The orders conveyed in the above Despatch necessitate the limitation of the period of probation between admission to the Civil and Political branches of the Staff Corps, and confirmation in the same to one year, instead of two years as prescribed in General Order, No. 471, dated 14th July 1863; and also prescribe certain additional preliminary tests prior to admission to these branches of the Staff Corps on probation. Accordingly, the following Revised Rules are published, which will apply to Military Officers, who have elected, or may hereafter elect, to join the Staff Corps in the Civil and Political Departments, and to Officers of the late Indian Army, who have been declared eligible, and who may be selected for Civil and Political appointments:—

General Rules.

I. Besides passing any linguistic or other tests, which may be prescribed in the Military Department for admission to the Staff Corps on probation, candidates for admission to the Civil and Political branches of the Staff Corps will be required *(a)* to have been attached, for at least one year, to a Native Regiment. This period need not be in addition to, but may form part of the preliminary term of service required for admission to the Staff Corps, generally; *(b)* to produce a testimonial from their Commanding Officers with respect to their competency and good conduct, and especially to their conciliatory demeanour towards the Native soldiery and other people of the country with whom they may have been brought into personal intercourse.

II. The period of one year is fixed as the limit within which Officers admitted to the Staff Corps on probation, and entertained in either the Civil or Political Department under this office, are required to qualify themselves to undergo the examinations hereinafter mentioned, on passing which examinations, Officers will have a claim to have their services retained, and, under the orders of the Military Department, to be permanently appointed to the corps.

III. Examinations will be held half-yearly in the first week of October, and the first week of April in each year. Candidates may appear at the first examination in October or April held after the expiry of the first six months of their probation, and if they fail to pass, may again appear at the next examination, six months later. But candidates failing to pass at the first examination held after the expiry of the full year of probation, will forfeit all claim to employment in the Civil and Political Departments of the Staff Corps.

IV. As in the case of the Local Civil Examinations, the questions will be issued by a Central Committee in each Local Government, Administration, or Agency. The examinations will be held at such stations as may be considered most convenient, and will be conducted by Local Committees, consisting of three or more Officers of standing and experience, who will transmit the answers with their opinion to the Central Committee, whose decision will be final.

V. The qualification tests in the examinations of both departments will have reference to two branches, *(a)* languages, *(b)* general and special subjects, hereinafter specified:—

Rules for Civil Department.

(a) Languages.

VI. As under paragraph 80 of the General Order, in the Military Department, No. 332, dated 10th April 1861, Officers must have passed the P. H. Examination, before admission to the Staff Corps on probation, candidates will be required, before being confirmed in the Staff Corps, to pass High Proficiency Test in the Vernacular language used in the Courts of the Province to which they may respectively be attached. If the language of record in the Courts of the Province be the Hindoostanee, then, besides passing the High Proficiency Test in Hindoostanee, candidates will be required to pass an ordinary examination in one of the dialects spoken in the Province, which may not be the language of the Courts; *e. g.*, in the Punjab, Punjabi or Pusthoo; in the Central Province, Mahratta, and so on.

(b) General and special subjects.

VII. Candidates will be required to shew a general knowledge of Indian History; Political Economy and Jurisprudence. It will be optional with them to choose, any works on these subjects in which they may prefer to be examined; but the titles of such works must be communicated to the Central Committee three months previous to the date of examination.

VIII. Candidates will be required to show a special knowledge of the Penal Code, the Criminal Procedure Code, and the Civil Procedure Code, as well as a familiar acquaintance with Revenue details, as contained in the directions to Revenue

and Settlement Officers, and the special Revenue Rules in force in the Province in which they may be employed.

RULES FOR POLITICAL DEPARTMENT.

(a) Languages.

IX. Officers having already passed the P. H. Examination before admission to the Staff Corps on probation, will be required, before being confirmed, to pass the High Proficiency Test in Persian or Arabic, and also in Mahratta or Hindoostance.

(b) General and special subjects.

X. Candidates will be examined in the general History of India, the Treaties and Engagements of the British Government with Native States, as set forth in the volumes,* now in course of publication by this office. A special knowledge of the history of the part of the country in which the candidates may respectively be employed will also be required.

* "A Collection of Treaties, Engagements and Sunnuds, relating to India and neighbouring countries."

XI. Candidates will further be required to show a thorough acquaintance with the Penal Code, the Criminal Procedure Code, and the Civil Procedure Code, and also a fair knowledge of International Law and the Conflict of Laws. They may choose for themselves the works on the general History of India, International Law and the Conflict of Laws in which they may wish to be examined; but the titles of such works must be communicated to the Central Committee, three months previous to the date of examination.

No. 248.

With reference to G. O., No. 242 of this date, it is hereby notified that examinations for confirmation in the Civil and Political Departments of the Staff Corps, under the Foreign Office, will be held in the first week of October 1864. The exact time and place of examinations will be fixed by the Central Committees in each Local Government, Administration and Agency, under Rule IV of the Examination Rules, and made known, as widely as possible, within the limits of the Local Governments, &c.

All Military Officers in Civil or Political employ, who have declared their intention of joining the Staff Corps, and who may not already be permanently attached to the Civil or Political Department of that Corps, come under the conditions of Rule III.

Rule I will not be enforced in the case of Officers actually in Civil or Political employ, who have already expressed their intention of joining the Staff Corps. But Officers, in Civil or Political employ, who may not have declared such intention, are required to do so without delay, through the Military Department, and to appear at the October Examination; failing to do this, they will forfeit their appointments, and their services will be replaced at the disposal of the Military Department.

H. M. DURAND,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 380.

Simla, the 26th May 1864.

Notification.—Mr. H. A. Moraes has been appointed to officiate as 2nd Assistant Accountant General, Madras, and Baboo D. Kissen Sing as Chief Assistant in the office establishment of the Deputy Auditor and Accountant General, Madras, until further orders, with effect from the date which may have been settled in anticipation by the Government of Madras.

By order of the Governor General in Council,

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 23rd May 1864.

No. 441 *of* 1864.—The Government General Order, No. 365 of the 29th April 1864, placing the services of Lieutenant H. C. Creak, late 4th European Light Cavalry, Doing-duty Officer, 1st Bengal Cavalry, at the disposal of the Public Works Department, is cancelled at his own request.

No. 442 *of* 1864.—With reference to the Notification issued by the Public Works Department, No. 123, dated 10th May 1864, the services of Captain F. G. S. Parker, of Her Majesty's 54th Foot, are placed at the disposal of His Excellency the Commander-in-Chief from that date.

The 26th May 1864.

No. 443 *of* 1864.—The Right Hon'ble the Governor General in Council is pleased to direct the addition of the following words to the Government General Order, No. 375, dated 29th April 1864,* "unless on re-engaging he be transferred to a Regiment remaining in India."

Simla, 29th April 1864.

No. 375.—In order to prevent any misapprehension on the subject, it is hereby notified, that the allowance of Rupees twenty for an Indian kit, authorized* to be paid in addition to the fixed English rate of kit-money, to a time-expired Soldier on re-enlistment, is not admissible to a Soldier who re-enlists in India after his Regiment is placed under orders for England.

* See G. G. O., 634, 16th June 1862.

This addition is to follow the words "under orders for England."

No. 444 *of* 1864.—The services of Captain J. D. Hall, of the 4th Bombay Native Infantry, are placed, temporarily, at the disposal of the Foreign Department.

No. 445 *of* 1864.—Apothecary Charles Baker, of the subordinate Medical Department, having been reported to be unfit for further active service, is transferred to the Pension Establishment, with permission to reside and draw his stipend in India.

No. 446 *of* 1864.—Second Class Sub-Assistant Surgeon Sreenauth Mookerjee, attached to the dispensary at Mozufferpore, having been pronounced qualified for advancement, is, under the

Rules passed by Government, in the Home Department, dated 6th January 1849, promoted to the first Class, with effect from the 11th April 1864.

No. 447 *of* 1864.—The undermentioned individual of Her Majesty's service is permitted to reside and draw his pay in India, as an Out-pensioner of Chelsea Hospital, according to the 23rd Clause of the Royal Warrant of the 1st July 1848, pending a reference to the Home Authorities as to the amount of his pension :—

Gunner F. A. Cocker, of D. Battery, 5th Royal Horse Brigade.

No. 448 *of* 1864.—The undermentioned Warrant Officers of the subordinate Medical Department having been reported to be unfit for further active service, are transferred to the Pension Establishment, with permission to reside and draw their stipends in India :—

Senior Apothecary Daniel Hodgkinson and Senior Steward Robert Morrow.

No. 449 *of* 1864.—The services of Captain E. Bradford, of the late 23rd Regiment, Native Infantry, Officiating Sub-Assistant Commissary General, 1st Class, are, at his own request, placed at the disposal of His Excellency the Commander-in-Chief.

No. 450 *of* 1864.—The undermentioned Officers are permitted to proceed to Europe, on leave of absence, on sick certificate :—

Major Olans John McLeod Farrington, of the Bengal Staff Corps, Deputy Commissioner in the Punjab.	For 20 months.
Surgeon Major Ezra Thomas Downes, of the Medical Department, Assay Master, Calcutta Mint.	For 20 months, under the new Regulations.
Lieutenant Henry McDonell DeWendt Douglas, of the late 67th Regiment, N. I., Adjutant of the 38th (the Agra) Regiment, N. I.	For 20 months, under the new Regulations.

No. 451 *of* 1864.—Jemadar Mowladad, transferred from the 1st Punjab Infantry to the 20th (Punjab) Regiment, Native Infantry, is promoted to the rank of Subadar in the latter Corps, with effect from the 13th April 1864, vice Subadar Bussawah Singh, resigned.

No. 452 *of* 1864.—The undermentioned Officers having completed five years' service as Brevet Lieutenant-Colonel to be Colonels in the Army, from the date specified opposite to their names, under the operation of Clause 8 of the Royal Warrant, dated 31st January 1859, published in G. G. O., No. 740, dated 20th May 1859, and of G. G. O., No. 11 of 1863, and 117 and 118 of 1864 :—

BREVET.

To be Colonels in the Army.

Major and Brevet Lieutenant-Colonel John Luther Vaughan, of the Bengal Staff Corps.	26th April 1864.
Major and Brevet Lieutenant-Colonel William Templer Hughes, of the Bengal Staff Corps.	
Major and Brevet Lieutenant-Colonel Samuel James Browne, C. B., V. C., of the Bengal Staff Corps.	

No. 453 *of* 1864.—The following order issued by the Resident at Hyderabad is confirmed :—

No. 72, *dated* 6*th May* 1864.—Granting three months' leave of absence, from the 8th instant, to Captain H. Teed, 2nd in Command, 1st Infantry, Hyderabad Contingent, to visit Madras and Ootacamund, on urgent private affairs.

H. W. NORMAN, *Col.*,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 130.

ESTABLISHMENT.

Simla, the 14*th May* 1864.

Notifications.—The services of Lieutenant-Colonel S. J. Batten, Executive Engineer, Moulmein Division, of Public Works, are, at his own request, placed at the disposal of the Madras Government, from the date of his being relieved of his charge.

No. 131.

The 18*th May* 1864.

The Stations of Nowgong and Nagode are transferred from the Central Provinces to the North-Western Provinces, and attached to the Bundlekund Division, of Public Works, with effect from 1st May 1864.

No. 132.

Lieutenant-Colonel A. Taylor, C. B., assumed temporary charge of the 1st Circle of Superintendency, in the Punjab, on the 25th March 1864, in addition to his duties as Superintending Engineer of the Lahore and Peshawur Road.

No. 133.

Lieutenant-Colonel A. Robertson, late Superintending Engineer, 1st Circle, Punjab, reported his departure from Bombay for England, per Mail Steamer "Malta," on the 14th April 1864.

No. 134.

Mr. T. S. Isaac, Executive Engineer, 2nd Class, with the temporary rank of Executive Engineer, 1st Class, transferred for employment to the Upper

Godavery Works, in Public Works Department Notification, No. 59, dated 25th February 1864, assumed charge of the 1st or Lower Barrier Division, Upper Godavery Circle, on the forenoon of the 4th April 1864.

No. 135.

The 19th May 1864.

Lieutenant D. Ward, R. E., Executive Engineer, Seetapore, received temporary charge of the Lucknow Division, of Public Works, from Captain Pemberton, on the 30th April last.

Mr. J. H. McRae, special Assistant Engineer, received temporary charge of the Seetapore Division from Lieutenant Ward, on the 27th April 1864.

No. 136.

Mr. C. Fitzpatrick, Assistant Supervisor, 1st Oudh Road Division, of Public Works, is permitted to resign his appointment in the Department of Public Works.

No. 137.

Mr. J. H. Harding, Deputy Controller and Examiner of Public Works Accounts, assumed charge of the Central Office of Accounts, British Burmah, on the forenoon of the 22nd April 1864.

No. 138.

Privilege Leave.—The privilege leave for one month, granted by the Resident at Hyderabad, to Captain H. H. Foord, Executive Engineer, 2nd Class, Berar Division, is confirmed.

No. 139.

The 20th May 1864.

Notification.—Mr. G. Vierra is temporarily appointed to the Public Works Department and posted to the Straits Settlements, as a temporary Probationary Assistant Overseer, with effect from the 1st of January 1864.

No. 140.

Transfers.—Major J. T. Tennant, Executive Engineer, 2nd Class, is transferred from the Thayetmyoo to the Akyab Division, of Public Works, and Captain E. J. L. Twynam from the latter to the former.

No. 141.

The 23rd May 1864.

Captain J. S. Ingram, special Assistant Engineer, Jullundur, is transferred from the Punjab to the North-Western Provinces.

No. 142.

The 25th May 1864.

Lieutenant Bloomfield, 1st Battalion, Royal Regiment, is appointed, temporarily, to act as Assistant to the Chief Engineer and Assistant Secretary to Chief Commissioner, Central Provinces, Department of Public Works, with effect from the 11th April 1864.

No. 143.

Lieutenant E. Harvey, Royal Engineers, (Madras) is appointed to the Public Works Department, as a 2nd Class Assistant Engineer, with effect from 10th April 1864, and posted to the Upper Godavery Circle.

No. 144.

Transfers and Promotion.—Serjeant P. Heyward, Assistant Accountant, 2nd Class, Punjab, and Mr. J. Barnes, Assistant Accountant, 3rd Class, Oudh, are transferred to the Office of the Accountant General, Public Works Department, with effect from 1st May. Mr. Barnes is promoted to be Assistant Accountant, 2nd Class, from the same date.

No. 145.

Notification.—Mr. H. E. Paxton, Assistant Accountant, 3rd Class, Department Public Works, attached to the Office of Account, Central Provinces, is permitted, at his own request, to resign his appointment, with effect from the 22nd April 1864.

Mr. Nicholas Gregory, is appointed an Assistant Accountant, 3rd Class, on probation, from 22nd April 1864, in room of Mr. Paxton.

R. STRACHEY, *Col.*, R. E.
Secy. to the Govt. of India.

ADVERTISEMENTS.

POSTAL NOTICE.

The Public are hereby informed that, under an arrangement made by Her Majesty's Post Master General, letters posted in India for Nicaragua will, if marked viâ Southampton, be liable to the following rates of postage :—

	Rs.	As.	P.
Letters not exceeding ½ oz. ...	0	11	4
Ditto exceeding ½ oz. and not exceeding 1 oz.	1	6	8
Ditto above 1 oz. and not exceeding 2 ozs.	2	13	4
Ditto above 2 ozs. and not exceeding 3 ozs.	4	4	0

and so on, adding Re. 1-6-8 for each ounce or fraction of an ounce.

Letters for Nicaragua, when sent viâ Marseilles, are liable to the additional French transit rate of 2 annas 8 pie per ½ oz.

A. M. MONTEATH,
In charge of the Office of Dir. Genl. of the Post Office of India.

CALCUTTA,
7th April 1864.

THE *GAZETTE OF INDIA.*

During the absence from Calcutta of the Members of the Government of India, or until further orders, the *Gazette of India* will be published at Simla. All communications, therefore, regarding the *Gazette* should be addressed to that Station.

PUBLIC WORKS CONTRACT.

Sealed Tenders will be received at the Office of the Executive Engineer, Presidency Division, up to noon on the 14th June 1864, for constructing and fixing an Iron Pile Wharf in the Rangoon River at Rangoon, British Burmah.

Time allowed for completion, 18 months.

The contract must not be sub-let.

The Tenders will be received and opened at the above time and place by the Executive Engineer, Presidency Division, in the presence of those interested, who may choose to attend, and all such as may be in proper form and on which the required amount of deposit money has been lodged, will be forwarded to the Executive Engineer, Rangoon Division, by the Mail Steamer of the 16th June.

No Tenders will be received without a deposit of Rupees 3,000 (Three Thousand) in Bank of Bengal Notes or Government Paper, which will be returned to unsuccessful competitors on the rejection of their Tenders, and will be forfeited in the event of the successful competitor failing to sign the contract and furnish the required security, within three days from the date of acceptance of his Tender being notified to him.

The security offered for the due performance of the contract must be either cash, or other property readily convertible into cash, to the value of ten per cent. of the full amount of the contract.

Blank forms of Tenders can be obtained at the Office of the Executive Engineer, Presidency Division.

The plans and specifications of the work may be seen, and tracings of any part thereof can be taken, and all other particulars ascertained at the Office of the Executive Engineer, Presidency Division.

The Executive Engineer, Rangoon Division, will notify to parties concerned the acceptance or rejection of their Tender.

ALEX. H. B. BRUCE, *Captain*, S. C.,
Officiating Executive Engineer,
Rangoon Division, P. W. D.

EX. ENGINEER'S OFFICE,
RANGOON DIVISION,
The 27th April 1864.

BANK OF BENGAL.

Notification.—It is hereby notified that as the present Capital of the Bank is insufficient to meet its requirements, in consequence of the increase of business, principally arising from the establishment of branches subordinate to the Bank in various parts of the Bengal Presidency, the Directors have determined, under the authority vested in them by Section 6, Act IV of 1862, to increase the Capital from one crore, nine lakhs, ninety thousand nine hundred and nine Rupees, to two crores and twenty lakhs, by the issue of new Shares or consolidated Stock, under the following conditions :—

1*st.*—Holders of old Shares will be entitled to claim new Shares at par, in the proportion of one Share for every Share of which they may be registered as Proprietors in the Books of the Bank. Registered Proprietors of consolidated Stock will, in like manner, be entitled to an equivalent amount of new Stock at par.

2*nd.*—Holders of Shares or Stock, whether in India or elsewhere, shall be allowed, to the 15th day of August 1864, to claim the new issue. All Shares or Stock not claimed by the said date shall be at the disposal of the Directors, who shall cause the same to be sold for the benefit of the Bank, in such manner and at such times as they may deem expedient.

3*rd.*—Payments in one sum of the amount of Subscription on any whole, half, or quarter Share or Stock, to which any Proprietor may be entitled under this Notification, may be made at any time after the publication thereof. On all such payments, prior to the 30th June next, interest will be allowed, at the rate of 8 per cent. per annum, from date of payment to the 30th June; and the Shares or Stock so paid up shall, thenceforward, be entitled to dividend. On all payments made subsequent to the 30th June, interest will similarly be allowed (at the rate of 8 per cent.) until the 31st December following, from which date the Shares or Stock so paid up shall, in like manner, become entitled to dividend.

4*th.*—The transfer Books will be closed from the 16th to the 31st August of 1864, inclusive. All Shares or Stock previously subscribed for, but on which the full amount of Capital shall not be paid by the last mentioned date, will lapse to the Bank and will be at the disposal of the Directors, as provided in Clause 2.

By Order of the Directors,
C. N. COOKE,
12*th March* 1864. *Offg. Secy. and Treasurer.*

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 22.

The Gazette of India.

Published by Authority.

SATURDAY, JUNE 4, 1864.

HOME DEPARTMENT.

No. 438.

Simla, the 30th May 1864.

Notifications.—The Revd. R. A. H. Norman, of the Bengal Ecclesiastical Establishment, has been granted, by the Right Hon'ble the Secretary of State for India, six months' extension of leave, on medical certificate.

No. 439.

His Excellency the Governor General in Council is pleased to invest the following Officers, in Oudh, with the powers of a Magistrate, to be exercised within the precincts of the Jails of which they are respectively in charge, and with regard to the prisoners confined therein :—

Assistant Surgeon J. C. Whishaw, Fyzabad.
" " Selons, Sooltanpore.
" " J. Cameron, Seetapore.

No. 440.

The 31st May 1864.

His Excellency the Governor General in Council is pleased to direct the following addition to be made to List No. II, published under date the 29th September 1854, of parties authorized to send letters and official *Gazettes, boná fide* and *exclusively* on the Public Service, relating to the business of their respective Departments, without actual payment of postage, but only to the authorities hereinafter named, viz :—

Head Clerks of the Offices of Superintending Engineers, to the Superintending Engineers to whom they are respectively subordinate, and to all Officers corresponding with the Superintending Engineers.

No. 443.

Mr. H. W. Bowen, Assistant Superintendent of Police, East Berar, Hyderabad Assigned Districts, has passed an examination in the Mahratta language, lower standard.

E. C. Bayley,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 63.

Judicial.

Simla, the 31st May 1864.

Notifications.—Under the provisions of Section XXI of Act XVIII of 1864, being an Act to provide for the appointment of a Municipal Committee for the city of Lucknow, His Excellency the Viceroy and Governor General of India in Council is pleased to extend the said Act to the city of Nagpore and its suburbs, including the Stations of Seetabuldee and Puklee, and to declare that the following eight persons shall be *ex-officio* Members of the Municipal Committee of the said city and suburbs :—

1. The Commissioner of Nagpore.
2. The Deputy Commissioner of Nagpore.
3. The Assistant Commissioner of Nagpore.
4. The Extra Assistant Commissioner of Nagpore.
5. The Civil Surgeon of Nagpore.
6. The Executive Engineer, Nagpore Division.
7. The Special Assistant Engineer of Nagpore.
8. The District Superintendent of Police of Nagpore.

No. 65.

Captain Alexander Ruxton McMahon, Supernumerary Assistant Commissioner, 1st Class, in British Burmah, is invested with the powers described in Section I of Act XV of 1862.

No. 68.

Captain J. G. Bell, Officiating Deputy Commissioner, West Berar, Hyderabad Assigned Districts, is invested with the powers described in Section I of Act XV of 1862.

No. 70.

The limits, within which Nasir Ali Khan was vested with the powers of a subordinate Magistrate,

1st Class, by G. O. No 2547, dated 17th May 1861, and No. 254, dated 17th June 1862, are extended to a part of the Talooquas of Bhinga, Nanpara, Pyagpoor, and Churda, comprising 436 villages, in Oudh.

No. 59.

REVENUE.

With reference to Notification No. 51, dated 15th February 1864, it is hereby notified that Mr. C. Connors, a European landholder in the Seetapore District, in Oudh, is appointed a Member of the Court, constituted under Act XXIII of 1863, for Zillahs Mahandee and Baraitch, in Oudh, for the adjudication of claims to waste lands.

No. 61.

Under the provisions of Section 7 of Act XXIII of 1863, His Excellency the Viceroy and Governor General in Council is pleased to appoint the undermentioned Officers to form a Court in the Coorg District, for the investigation and trial of claims under the above Act :—

The Superintendent of Coorg.

The Native Assistant at Coorg.

The Mooktasar of the Duryâft Cutcherry at Coorg.

No. 63.

Lieutenant W. H. Wilkins, Probationary Assistant Revenue Surveyor, 3rd Division, Oudh Survey, is confirmed in that appointment, with effect from the 11th May.

No. 55.

MILITARY.

Assistant Surgeon F. W. A. DeFabeck, of the 35th Regiment, Native Infantry, is appointed to the medical charge of the Deolee Irregular Force and of the Harowtee Political Agency, during the absence of Dr. Campbell, or until further orders.

No. 58.

Captain J. D. Hall, of the 4th Bombay Native Infantry, is appointed to officiate as Second Squadron Officer of the 2nd Regiment, Central India Horse, vice Captain C. James, proceeded on leave.

No. 95.

POLITICAL.

The services of Captain W. H. J. Lance, Commandant of the Escort of the Envoy to Bootan, are replaced at the disposal of the Military Department.

No. 284.

GENERAL.

Third Class Native Doctor Janokenath Doobey is appointed to the medical charge of the District Police at Sumbulpore, vice Enait Hossain, deceased.

No. 288.

Mr. T. H. Kavanagh, v. c., Officiating Deputy Commissioner of Mahandee, in Oudh, returned from the two months' privilege leave, granted him in G. O. No. 693, dated 18th March last, and resumed charge of his duties on the morning of the 12th instant.

Wazeer Hossein, Deputy Superintendent of Excise and Stamps, in Oudh, availed himself, on the 3rd ultimo, of the twenty days' leave, granted him in G. O. No. 801, dated 30th March last, and returned to his duty on the 20th ultimo.

No. 290.

Mr. T. Shepherd, Deputy Commissioner of Arracan, in British Burmah, has obtained leave of absence, on medical certificate, for twelve months, to visit England.

Mr. Shepherd was left by the Pilot, at Sea, on the 24th April last.

No. 292.

His Excellency the Viceroy and Governor General in Council is pleased to sanction an exchange of appointments between Captain W. T. McGrigor, Assistant Commissioner, 3rd Class, in Oudh, and Mr. H. Gibson, District Superintendent of Police of the 4th grade in that Province.

No. 295.

Mr. R. Berkely, Assistant Commissioner of Durriabad, in Oudh, has obtained leave of absence for 28 days, from the 16th April last, preparatory to applying for leave, on medical certificate, to Europe.

No. 297.

Captain S. H. V. Fisher, Assistant Commissioner of Pertabgurh, in Oudh, has obtained two months' privilege leave of absence, from the 1st May.

No. 299.

Major J. J. Hamilton, Officiating Deputy Superintendent of the Shimoga District, in Mysore, returned to his duty on the 23rd April last.

No. 301.

Captain R. Jenkins, Assistant Agent, Governor General for Central India, for Boundary Settlements, is granted six months' leave of absence, on medical certificate, from such date as he may avail himself thereof.

No. 303.

Third Grade Sub-Assistant Surgeon Shumboo Chunder Gooptoo is appointed to the Saugor Dispensary, in the Central Provinces, vice Sub-Assistant Surgeon Kally Doss Bose.

No. 306.

Lieutenant Colonel W. McCulloch, Political Agent at Munnipoor, assumed charge of his duties on the 3rd May.

No. 308.

The services of Major E. A. Saunders, appointed to the charge of the Bijeyragogurh Survey, in G. O. No. 789, dated 6th October 1863, are replaced at the disposal of the Madras Government.

C. U. AITCHISON,
Under-Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 27th May 1864.

No. 454 *of* 1864.—His Excellency the Governor General in Council is pleased to notify that, when the aggregate cost of the rations of Native Troops and Public Establishments in the Bengal Presidency exceeds the rates specified below, compensation will be allowed for the difference between those rates and the actual cost.

Compensation is granted only to men enlisted or entertained on fixed established rates of pay, and who are liable to be moved from one station to another.

Troops, followers, and establishments enlisted for strictly local duties and employments, are not entitled to compensation while serving in their proper district or station; but, if they are employed beyond the limits of their districts, they will be allowed compensation for dearness of provisions.

The scales of rations and rate, in excess of which compensation is payable, are—

1st Class or Fighting-men.

Wheat, Flour, or Rice, 1 seer per diem,		at 15	seers	per Rupee.
Dall	2 Chittacks	at 10	"	"
Ghee	1 "	at 2	"	"
Salt	½ "	at 8	"	"

2nd Class or Public Establishments.

Wheat, Flour, or Rice, ¾ seer per diem,		at 15	seers	per Rupee.
Dall	2 Chittacks	at 10	"	"
Ghee	½ "	at 2	"	"
Salt	½ "	at 8	"	"

Compensation is allowed under the 1st Class, when the aggregate cost of the rations exceeds Rupees three and eight annas per mensem, to Native Doctors, Native Commissioned and Non-Commissioned Officers, Drummers, Fifers, Buglers and Sepoys of Native Infantry, and Sappers and Miners, and to Havildars, Naicks, Trumpeters and Privates of Native Artillery, and Drivers, Mahouts and Elephant Coolies of Heavy Batteries. The provisions of this order do not apply to the Native Cavalry, under the new organization, but are applicable to the Body Guard.

Under the 2nd Class, when the aggregate cost of rations exceeds Rupees two, eight annas, and eight pie per mensem, compensation is granted to—

Native Farriers in European Cavalry, Syces and Grass-cutters in European Cavalry, and European and Native Artillery.

To Puckallees, Bhisties, Tindals, Lascars, Sweepers, Bildars of European and Native Artillery, Cavalry and Infantry.

To Regimental Bazar Establishments, viz., Chowdries, Mutsuddies, Flagmen, and Weighman.

To Forge Establishments of Batteries, Mistry-smiths, Firemen, Filemen, Hammermen, Mistry-carpenters, Carpenters, Moochies, Bullock Drivers.

To Dooly Bearers.

To Hospital Establishments of European Artillery, Cavalry and Infantry, viz.,

Compounders, Dressers, Bhisties, Sweepers, Ward-coolies, Female servants, (Ayah and Mehteranee,) Shop-coolies, Steward's servant; and of Native Cavalry, Artillery, and Infantry—Shop-coolies, Bhisties, Goorgahs, Cooks, and Sweepers.

No. 455 *of* 1864.—The following extract from the *London Gazette* of the 22nd March 1864, is published for general information:—

WAR OFFICE;
Pall Mall, 22nd March 1864.

BREVET.

The honorary rank of Lieutenant Colonel granted to Major John Hatfield Brooks, late 19th Hussars, on retirement, in *Gazette* of 26th ultimo, has been cancelled, in consequence of that Officer not having retired on a pension, as stated in the *Gazette*.

Captain John Hudson, Bengal Staff Corps, to be Major, dated 22nd March 1864.

Captain George Richard Westmacott, Bengal Staff Corps, to be Major, dated 22nd March 1864.

Captain Francis Henry Massey Sitwell, Bengal Staff Corps, to be Major, dated 22nd March 1864.

The 30th May 1864.

No. 456 *of* 1864.—The following transcript of a Military letter, from the Right Hon'ble the Secretary of State for India, No. 103, dated 9th April 1864, is published for general information:—

MILITARY. INDIA OFFICE;
No. 103. *London, the 9th April* 1864.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—Your Military letter, dated 20th February, No. 73, transmits, with your favorable recommendation, correspondence relative to an application from Lieutenant Colonel J. McK. Taylor, Commanding 2nd Regiment, Bombay Light Cavalry, praying, that the Furlough Regulations may be so far modified as to allow Officers who have taken only one furlough during 27 years' service to take a second furlough, after the expiration of that time, without being compelled to serve 10 years from date of return to duty.

2. Under a decision of the Court of Directors, under date the 25th April 1856, No. 56, Officers who take their first furlough after 20 years' service in India may take a second furlough after a service of 5 years, from date of last return to duty, or, on completion of 27 years' service in India.

3. In the present case, it appears that Lieutenant Colonel Taylor took his first furlough after a service of 18½ years. Under present rates he cannot obtain a second furlough until the expiration of 10 years, from date of return to duty, by which time he will have completed a service of upwards of 30 years.

4. I have no objection to the modification of the Furlough Regulations, suggested by your Government in favor of Lieutenant Colonel Taylor and other Officers similarly circumstanced, on the understanding, however, that this is not to affect the Rule under which an Officer who takes his first furlough after 20 years' service, or upwards, must serve a period of 5 years, from date of last return to duty, before he is to be held entitled to a second furlough.

I have, &c.,

(Sd.) C. WOOD.

The 2nd June 1864.

No. 457 *of* 1864.—The services of Captain C. A. Benson, of the Madras Staff Corps, are placed at the disposal of the Foreign Department.

No. 458 *of* 1864.—Surgeon Major Charles Archer, M. D., of the Medical Department, Superintendent of the Eye Infirmary and Professor of Ophthalmic Surgery, Medical College, is allowed leave of absence, for six months, to visit Simla on medical certificate, under the new Regulations.

No 459 *of* 1864.—The following promotions are made in the undermentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
35th (the Mynpoorie) Régt., N. I.,	Jemadar Aunkar Sing ...	Subadar...	1st May 1861	Sooltan Sing, invalided.
Ditto ...	Do. Sewrujbuccus Tewary	Ditto ...	22nd May 1861	Mirza Kheroolah Beg, invalided.
Ditto ...	Do. Shaick Peer Bux	Ditto ..	Ditto ...	Bhowany Persaud Opadia, invalided.
Ditto ...	Do. Shaick Hussain Bux	Ditto ...	Ditto ...	Seetul Tewary, invalided.
Ditto ...	Havildar Achraj Sing ...	Jemadar...	1st May 1861	Aunkar Sing, promoted.
Ditto ...	Do. Thakoor Tewarry	Ditto ...	22nd May 1861	Ramdial Misser, invalided.
Ditto ...	Do. Bhowany Sing ...	Ditto ...	Ditto ...	Adheen Misser, invalided.
Ditto ...	Do. Parie Tewarry ...	Ditto ...	Ditto ...	Goomanie Tribadie, invalided.
Ditto ...	Do. Kassee Sing ...	Ditto ...	Ditto ...	Sewrujbuccus Tewarry, promoted.

The promotions in the 35th Regiment, Native Infantry, announced in G. G. O. No. 1009 of the 10th November 1862, and the alterations in the dates of promotion, notified in G. G. O. No. 414, dated 22nd June 1863, are hereby cancelled.

No. 460 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Lieutenant Colonel (Brevet Colonel) Sir Neville Bowles Chamberlain, K. C. B., of the Bengal Infantry, Aid-de-Camp to the Queen, Brigadier General Commandant of the Punjab Irregular Force.	For twenty months, under the new Regulations.

No. 461 *of* 1864.—With reference to the Notification issued by the Government of Bengal, dated 18th instant, the services of Lieutenant W. V. FitzG. Jacob, of the late 6th European Regiment, are, at his own request, placed at the disposal of His Excellency the Commander-in-Chief.

No. 462 *of* 1864.—The following order, issued by the Government of Bombay, is confirmed :—

No. 203, *dated* 20*th April* 1864.—

Granting leave of absence, to Europe, on medical certificate, to Captain W. D. Hoste, of the Bengal Staff Corps, Commandant, 6th Punjab Light Infantry.	For twenty months.

No. 463 *of* 1864.—The services of Assistant Surgeon J. A. P. Colles, M. D., and L. R. C. S. I., attached to E. Battery, 2nd Royal Horse Brigade, are placed, temporarily, at the disposal of the Government of Beng

No. 464 *of* 1864.—The undermentioned Warrant Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Sub-Conductor Richard Busher, attached to the Central Stud Depôt, Buxar.	For fifteen months.

The 3rd June 1864.

No. 465 *of* 1864.—With the sanction of the Right Hon'ble the Secretary of State for India, as conveyed in his Despatch No. 122, dated 30th April 1864, Assistant Surgeon N. C. Macnamara is permanently appointed to the situation of Superintendent of the Eye Infirmary at Calcutta, in room of Surgeon Major Archer, who resigned the appointment on the 20th March last.

No. 466 *of* 1864.—Under authority from the Right Hon'ble the Secretary of State for India, concurred in by his Royal Highness the Field Marshal Commanding-in-Chief and the Secretary of State for War, His Excellency the Governor General in Council is pleased to add to the situations, specified in G. O. No. 1698, dated 23rd December 1859, as qualifying for the rank of Colonel, under the 8th Clause of the Royal Warrant of 31st January 1859, the appointments of Controller of Military Accounts at the three Presidencies.

H. W. NORMAN, *Col.*,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 146.

ESTABLISHMENT.

Simla, the 28th May 1864.

Notification.—Lieutenant E. A. Trevor, Royal Engineers, joined his appointment of Deputy Controller and Examiner of Public Works Accounts, Punjab, on the 8th April 1864.

No. 147.

REVENUE.—FORESTS.

Appointment.—Lieutenant G. J. VanSomeren, of the Madras Infantry, General List, is appointed 1st Assistant Conservator of Forests, in the Mysore Provinces, on probation, from date of joining.

R. STRACHEY, *Col.*, R. E.
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTICE.

Will be published in the early part of April, under the authority of Government, "a Companion to the Civil Pay Master's Manual," containing a collection of revised Rules applicable to Military Officers in Civil employ, and the new Rules for Leave, Pension, &c., to Uncovenanted Officers, with Appendices.

Price, Rupees three a copy, with two annas additional for postage to out-station subscribers.

Applications to be addressed to the compiler, Mr. G. W. Bagley, Chief Assistant to the Civil Pay Master, North-Western Provinces, at Allahabad.

PUBLIC WORKS CONTRACT.

Sealed Tenders will be received at the Office of the Executive Engineer, Presidency Division, up to noon on the 14th June 1864, for constructing and fixing an Iron Pile Wharf in the Rangoon River at Rangoon, British Burmah.

Time allowed for completion, 18 months.

The contract must not be sub-let.

The Tenders will be received and opened at the above time and place by the Executive Engineer, Presidency Division, in the presence of those interested, who may choose to attend, and all such as may be in proper form and on which the required amount of deposit money has been lodged, will be forwarded to the Executive Engineer, Rangoon Division, by the Mail Steamer of the 16th June.

No Tenders will be received without a deposit of Rupees 3,000 (Three Thousand) in Bank of Bengal Notes or Government Paper, which will be returned to unsuccessful competitors on the rejection of their Tenders, and will be forfeited in the event of the successful competitor failing to sign the contract and furnish the required security, within three days from the date of acceptance of his Tender being notified to him.

The security offered for the due performance of the contract must be either cash, or other property readily convertible into cash, to the value of ten per cent. of the full amount of the contract.

Blank forms of Tenders can be obtained at the Office of the Executive Engineer, Presidency Division.

The plans and specifications of the work may be seen, and tracings of any part thereof can be taken, and all other particulars ascertained at the Office of the Executive Engineer, Presidency Division.

The Executive Engineer, Rangoon Division, will notify to parties concerned the acceptance or rejection of their Tender.

ALEX. H. B. BRUCE, *Captain*, S. C.,
Officiating Executive Engineer,
Rangoon Division, P. W. D.

EX. ENGINEER'S OFFICE,
RANGOON DIVISION,
The 27th April 1864.

THE *GAZETTE OF INDIA.*

During the absence from Calcutta of the Members of the Government of India, or until further orders, the *Gazette of India* will be published at Simla. All communications, therefore, regarding the *Gazette* should be addressed to that Station.

Just Published.

SELECTIONS

FROM

CALCUTTA GAZETTES

OF THE YEARS

1784, 1785, 1786, 1787, and 1788,

SHOWING THE POLITICAL AND SOCIAL CONDITION

OF THE ENGLISH IN INDIA

EIGHTY YEARS AGO.

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PRESIDENT OF THE RECORD COMMISSION.

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POSTAL NOTICE.

The Public are hereby informed that, under an arrangement made by Her Majesty's Post Master General, letters posted in India for Venezuela will, if marked viâ Southampton, be liable to the undermentioned rates of postage :—

	Rs.	As.	P.
Letters not exceeding ½ oz. ...	0	11	4
Ditto exceeding ½ oz. and not exceeding 1 oz.	1	6	8
Ditto above 1 oz. and not exceeding 2 ozs.	2	13	4
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and so on, adding Rs. 1-6-8 for each ounce or fraction of an ounce.

Letters for the above place, if sent viâ Marseilles, will of course be liable to the additional French transit rate of 2 annas 8 pie per ½ oz.

A. M. MONTEATH,

In charge of the Office of Dir. Genl. of the Post Office of India.

CALCUTTA,
11*th May* 1864.

BANK OF BENGAL.

Notification.—It is hereby notified that as the present Capital of the Bank is insufficient to meet its requirements, in consequence of the increase of business, principally arising from the establishment of branches subordinate to the Bank in various parts of the Bengal Presidency, the Directors have determined, under the authority vested in them by Section 6, Act IV of 1862, to increase the Capital from one crore, nine lakhs, ninety thousand nine hundred and nine Rupees, to two crores and twenty lakhs, by the issue of new Shares or consolidated Stock, under the following conditions :—

1*st.*—Holders of old Shares will be entitled to claim new Shares at par, in the proportion of one Share for every Share of which they may be registered as Proprietors in the Books of the Bank. Registered Proprietors of consolidated Stock will, in like manner, be entitled to an equivalent amount of new Stock at par.

2*nd.*—Holders of Shares or Stock, whether in India or elsewhere, shall be allowed, to the 15th day of August 1864, to claim the new issue. All Shares or Stock not claimed by the said date shall be at the disposal of the Directors, who shall cause the same to be sold for the benefit of the Bank, in such manner and at such times as they may deem expedient.

3*rd.*—Payments in one sum of the amount of Subscription on any whole, half, or quarter Share or Stock, to which any Proprietor may be entitled under this Notification, may be made at any time after the publication thereof. On all such payments, prior to the 30th June next, interest will be allowed, at the rate of 8 per cent. per annum, from date of payment to the 30th June; and the Shares or Stock so paid up shall, thenceforward, be entitled to dividend. On all payments made subsequent to the 30th June, interest will similarly be allowed (at the rate of 8 per cent.) until the 31st December following, from which date the Shares or Stock so paid up shall, in like manner, become entitled to dividend.

4*th.*—The transfer Books will be closed from the 16th to the 31st August of 1864, inclusive. All Shares or Stock previously subscribed for, but on which the full amount of Capital shall not be paid by the last mentioned date, will lapse to the Bank and will be at the disposal of the Directors, as provided in Clause 2.

By Order of the Directors,

C. N. COOKE,

12*th March* 1864. *Offg. Secy. and Treasurer.*

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 23.

SUPPLEMENT TO

The Gazette of India.

SATURDAY, JUNE 4, 1864.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of Bombay.

Result of trial of the "Emery Patent Cotton Gins."

From G. F. FORBES, ESQ., Cotton Commissioner, to J. B. RICHEY, ESQ., Under-Secretary to Government, Bombay, —dated Dharwar, 18th April 1864.

I have the honor to acknowledge receipt of your Memorandum No. 617 of 1864, dated 20th February last, forwarding for my report extract of a letter from General Frederick Cotton recommending the introduction into this country of the "Emery Patent Cotton Gins," along with copy of a Despatch from Her Majesty's Secretary of State for India forwarding the patentee's prospectus, and intimating that in event of such a measure being deemed advantageous one of the machines would be sent out for exhibition or experiment.

2. Being at the same time in receipt of a communication from Dr. Forbes Watson, Reporter on the Products of India, stating that one of the above Machines has been forwarded to me, and might be shortly expected, I have deferred writing pending its arrival at Dharwar, which took place a few days ago.

3. I have now had an opportunity of examining the machine, and of testing it in work, and I [illegible]g to submit the following remarks with regard to it: one of its peculiarities, namely, a loose roller working in the hopper-box, has been in use in the Dharwar Factory for more than twelve months back, and is not affected by any patent.

4. This individual machine is constructed for hand labor, and, consequently, is intended for distribution amongst Cotton cultivators. Keeping this in view, one very prominent objection to it at once attracted my attention, namely, that cogwheels are made use of as the motive power instead of bands and pulleys.

5. It has been found from experience that all Cotton-cleaning Machines intended for distribution amongst the ryots and Native dealers of this country must be not only simple and durable in construction, but also of a nature that will admit of ready repair in case of injury, to which they are much exposed whilst being carried about from one village to another on country carts over bad roads.

6. For the above reason cogwheels have been entirely discarded from the Gins now in use in Dharwar, as they are articles not only easily broken, but which cannot be replaced of our manufacture, and, consequently, a machine provided with them might from a trifling accident become quite useless to its owner at the time it was most required.

7. The makers of the Emery Gin could readily supplant the cogwheel arrangement by bands and pulleys if desirous of adapting it for this country, but it would also require to be improved as regards the quantity of its outturn of work, which, as it stands at present, is not nearly equal to that of the Gins now in use here.

8. The comparative results of performance at the trials to which I have subjected it, are as follows: the Gin, I may mention, contains thirteen saws, and was tried against a Dharwar Factory Gin of only ten saws, the same labor employed to

each, namely, two men driving and one feeding the machine:—

The Emery Gin cleaned 44 lbs. of seed Cotton per hour, equal to ...	14⅔ lbs. clean Cotton.
The Dharwar Gin, 65 lbs. of seed Cotton per hour, equal to ...	21⅔ " "

per day's work of ten hours this gives—

From the Dharwar ten-saw Gin ...	216⅔ lbs.
From Emery thirteen-saw Gin ...	146⅔ lbs.
Difference per day in favor of the ten-saw Gin ...	70 lbs.

9. Economy in labor and celerity of performance are the two points chiefly prized by the ryots and dealers, their great object being to get away as much as possible of their Cotton before the setting in of the monsoon, and during that short but busy season coolie labor (owing to the competition for it) often rises to treble the usual rates, and sometimes even to more than that; and, with such a difference of outturn as above shown, the Emery Gin would not be resorted to even if it were given to them as a gift.

10. How much of this comparative slowness of performance is attributable to the condensing apparatus attached to the machine is a point upon which I am not prepared to give an opinion, but I have no doubt that it is partly attributable to the description of saws made use of, which are not suitable for the New Orleans Cotton of the Dharwar Districts, and which, I may add, is the only Cotton in India that admits of being cleaned by any Saw Gin, the fibre of the indigenous varieties being too weak to stand the action of the saw.

11. If the English patentees of the Emery Gin are desirous of making it suitable for introduction to this country, I would recommend their trying it with the Dharwar Factory ten-inch saw which may be obtained from Messrs. Spear and Jackson, Ætna Works, Sheffield, who are in possession of the pattern, and if this should have the effect of increasing the performance without adding to the amount of labor required in working it, I think the machine might in other respects find favor, the cogwheels, as before stated, to be replaced by bands and pulleys.

12. I take this opportunity of mentioning that I have recently noticed the announcement of an improvement in the Macarthy Gin by a Mr. Wanklyn, of Bury, Lancashire, which, if it is found to answer, will apparently remove one of the chief objections to the use of that description of machine in this country; I allude to the introduction of an iron roller with spiral grooves cut in the metal in lieu of a wooden roller covered with leather, which was formerly in use. If one of Mr. Wanklyn's twenty-four inch Macarthy Gins can be sent out to the Dharwar Factory, I shall be very glad to have an opportunity of testing the merits claimed for this improvement as regards the climate of India.

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 23.

The Gazette of India.

Published by Authority.

SATURDAY, JUNE 11, 1864.

HOME DEPARTMENT.

No. 567.

Simla, the 4th June 1864.

Notifications.—The Hon'ble R. J. Scott, Officiating Judge of the High Court of Judicature, at Fort William in Bengal, has obtained leave of absence, on medical certificate, for 15 months, under Section VI, Clause 1, of the Covenanted Service Absentee Rules, to proceed to Europe. Mr. Scott availed himself of the leave on the 24th of May.

No. 568.

The 6th June 1864.

The Right Revd. the Lord Bishop of Calcutta has appointed the Revd. G. W. Cowie, officiating as his Domestic Chaplain, to be his Domestic Chaplain.

No. 569.

The 7th June 1864.

Mr. F. Wright, Assistant Superintendent of Police, West Berar, Hyderabad Assigned Districts, availed himself of two months' privilege leave, on the forenoon of the 1st April 1864.

E. C. Bayley,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 65.

Military.

Simla, the 7th June 1864.

Notification.—Lieutenant E. R. C. Bradford, Commanding 1st Regiment, Central India Horse, and Political Assistant, Western Malwa, has obtained 30 days' privilege leave of absence, from the 1st instant.

Assistant Surgeon H. C. Brodrick, M. D., in medical charge, 1st Regiment, Central India Horse, will conduct the current duties of the Political Assistant's Office during Lieutenant Bradford's absence.

No. 119.

Political.

The 7th June 1864.

Notification.—His Excellency the Viceroy and Governor General of India in Council is pleased to confer the title of "Rajah" upon Oomit Sing, Chief of Lungree, in the Cossyah Hills.

No. 367 A.

General.

The 4th June 1864.

Notifications.—His Excellency the Viceroy and Governor General has been pleased to make the following appointments in the Central Provinces Commission:—

Mr. Richard Hamilton, to be extra Assistant Commissioner, in the room of Mr. Brockman, resigned.

Mr. Septimus Hennessy, to be extra Assistant Commissioner, vice Mr. Cline, absent on medical certificate.

No. 368.

Dr. W. W. Hende, Civil Surgeon of Nagpore, Central Provinces, obtained privilege leave of absence, from 9th to 15th April 1857, in extension of the leave for one month, granted to him in G. O. No. 1341, dated 27th March 1857.

The extension of leave, on private affairs, granted to Dr. Hende, in G. O. No. 4114, dated 3rd October 1857, is hereby cancelled.

No. 370.

Assistant Surgeon G. P. Heard, attached to the Royal Horse Artillery Brigade, at Bangalore, is appointed Superintendent of Vaccination for the Central Provinces.

No. 372.

Mr. G. W. Cline, extra Assistant Commissioner of Baitool, in the Central Provinces, has obtained one month's preparatory leave of absence, from the 15th ultimo, to proceed to Bombay, for the purpose of obtaining further leave, to Europe, on medical certificate.

No. 384.

The 9th June 1864.

Notifications.—With reference to G. O. G. G. Nos. 242 and 248, dated 25th May, relating to the qualification tests for employment in the Civil and Political Departments of the Staff Corps, it is hereby notified that all Officers actually in Civil or Political employ, on or before the 1st January 1862, are exempt from the application of the Rules therein laid down.

No. 386.

Major J. S. Ross, Deputy Commissioner of Gonda, appointed to officiate, temporarily, as Commissioner of the Fyzabad Division, received charge of the office, from Mr. D. Simson, on the 23rd April.

Mr. W. Knighton, Assistant Commissioner, received charge of the Gonda District, from Major Ross, on the 21st April.

Mr. F. O. Mayne, C. B., appointed by G. O. No. 931, dated 14th April last, to officiate as Commissioner of Fyzabad, received charge of the division, from Major J. S. Ross, Deputy Commissioner of Gonda, on the afternoon of the 12th May.

Mr. W. Knighton, Assistant Commissioner, made over, and Major J. S. Ross, Deputy Commissioner, resumed charge of the Gonda District, on the 14th May last.

No. 388.

Lieutenant W. A. Franks, Officiating Superintendent of Police, at Cawnpore, is appointed an Assistant Revenue Surveyor (on probation) and posted to the Oudh Revenue Survey.

No. 391.

His Excellency the Viceroy and Governor General in Council is pleased to appoint Captain C. A. Benson, of the Madras Staff Corps, to be an Assistant in the Mysore Commission, on probation.

No. 394.

Mr. C. Lindsay, Settlement Officer of Hurdui, in Oudh, availed himself, on the 19th ultimo, of the preparatory leave granted him in G. O. No. 226, dated 21st idem, making over charge of his office to Mr. O. Wood, Assistant Settlement Officer.

No. 396.

Mr. W. Hutton is appointed to be an extra Assistant Commissioner, in Oudh, on probation.

C. U. AITCHISON,

Under-Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 644.

Simla, the 4th June 1864.

Notification. — *Resignation.* — Baboo Govind Chunder Dutt, 2nd Assistant Deputy Auditor and Accountant General, Bombay, has been permitted to resign the Public Service from this date.

No. 665.

The 6th June 1864.

Notification.—The following Statement of the Silver received and coined in the Mints of Calcutta, Madras, and Bombay, in April 1864, is published for general information :—

	Calcutta.			Madras.			Bombay.		
	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.
	Govt.	Merchts.		Govt.	Merchts.		Govt.	Merchts.	
In April 1864.	3,217	42,44,408	62,99,986	1,514	4,86,312	17,68,518	...	90,52,966	91,97,057

No. 697.

The 7th June 1864.

Notification.—Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion Reserve, and Government Securities held by the Department of Issue of Paper Currency :—

Date of Returns.	Circles of Issue.	Notes in Circulation.	Silver coin Reserve.	Silver bullion Reserve.	Government Securities.
1864.		*Rupees.*	*Rupees.*	*Rupees.*	*Rupees.*
30th May ...	Calcutta ...	2,48,00,000	79,08,852	30,00,000	1,38,91,148
28th do. ...	Allahabad ...	19,860	19,860		
Ditto ...	Bombay ...	2,03,00,000	1,01,00,000	62,00,000	1,30,00,000
Ditto ...	Madras ...	63,00,000	27,96,137	.....	35,03,863
	Total ...	6,04,19,860	2,08,24,849	92,00,000	3,03,95,011

CALCUTTA;
DEPT. OF ISSUE OF PAPER CURRENCY,
No. 107, *dated* 30*th May* 1864.

(Signed) H. HYDE,
Head Commr., Dept. of Issue of Paper Currency.

Published by order of the Governor General in Council.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 6th June 1864.

No. 467 *of* 1864.—With reference to the Foreign Department Notification No. 95, dated 31st May 1864, the services of Captain W. H. J. Lance, Commandant of the Escort of the Envoy to Bootan, are placed at the disposal of His Excellency the Commander-in-Chief, in view to his joining his appointment in the 7th Regiment, Native Infantry.

No. 468 *of* 1864.—His Excellency the Governor General in Council is pleased to admit Deputy Inspector Hyat Khan, of the Seetapore Police, and formerly of the 12th Irregular Cavalry, to the 3rd Class of the "Order of Merit," from the 12th July 1859, for his loyalty and good services during the mutiny.

No. 469 *of* 1864.—The following extract from the *London Gazette* of the 12th April 1864, is published for general information :—

INDIA OFFICE,
The 11*th April* 1864.

Her Majesty has been pleased to approve of the undermentioned promotions and alterations of rank amongst the Officers of the Staff Corps, and of Her Majesty's Indian Military Forces :—

BENGAL STAFF CORPS.

To be Majors.

Captain John Fendall, dated 30th December 1863.

Captain Edgar John Spilsbury, dated 16th January 1864.

Captain Toovey Archibald Corbett, dated 16th January 1864.

Captain James Sebastian Rawlins, dated 21st January 1864.

BENGAL ARMY.—MEDICAL OFFICERS.

To be Surgeon Majors.

Surgeon John Fullerton Beatson, B.A., M.D., dated 16th October 1863.

Surgeon Charles Hathaway, M.D., dated 1st December 1863.

To be Surgeons.

Assistant Surgeon William Henry Adley, vice Faithful, deceased, dated 10th September 1863.

Assistant Surgeon Edward John Vivian, vice Webb, deceased, dated 16th September 1863.

Assistant Surgeon James Alexander Caldwell Hutchinson, vice Lay, retired, dated 16th October 1863.

Assistant Surgeon John Barclay Scriven, vice Rind, deceased, dated 18th December 1863.

Alterations of Rank.

The undermentioned Officers to take rank from the dates specified :—

Surgeon Frederick Corbyn, M.D., from the 10th May 1863.

Surgeon Charles Lowdell, from the 25th May 1863.

Surgeon John Hooper, from the 28th May 1863.

Surgeon David Young, M.D., F.R.C.S., from the 10th June 1863.

Surgeon Joseph Fayrer, M.D., F.R.C.P., F.R.C.S., from the 28th July 1863.

MADRAS STAFF CORPS.—ADMISSIONS.

To be Captain.

Second Captain Malcolm Bindinel Sabin Lloyd, of the Royal (Madras) Artillery, dated 13th September 1860.

To be Lieutenant.

Lieutenant Hugh Christian Menzies, of the 31st Native Infantry, dated 15th November 1853.

PROMOTIONS.

To be Lieutenant Colonels.

Major Arthur Loftus Steele, dated 21st December 1863.

Major George Harper Saxton, dated 11th January 1864.

To be Majors.

Captain Alexander Campbell McNeill, dated 8th December 1863.

Captain Llewellyn Paxton, dated 8th December 1863.

Captain Edward Winterton Dun, dated 8th December 1863.

Captain Richard Clarke Babington, dated 9th December 1863.

Captain Henry Ambrose Hare, dated 9th December 1863.

Captain James George Roche Forlong, dated 30th December 1863.

Captain Henry Spurgin Rammell, dated 30th December 1863.

Captain Henry Manning Eliott, dated 1st January 1864.

To be Captains.

Lieutenant Hugh Christian Menzies, dated 12th December 1861.

Lieutenant James Giberne Bell, dated 13th December 1863.

Lieutenant Henry Annesley Justice, dated 13th December 1863.

Lieutenant Charles Sheridan Blackwood Walton, dated 15th December 1863.

Lieutenant Edward Dumaresq Gompertz, dated 20th December 1863.

Lieutenant Evelyn Medows Norie, dated 3rd January 1864.

MADRAS ARMY.—PROMOTIONS.

2nd Regiment, Light Cavalry.

Lieutenant Charles Napier Cherry, to be Captain, vice Gough, (Staff Corps), resigned, dated [illegible] December 1863.

3rd Regiment, Light Cavalry.

Lieutenant John Lindsay Ferrers, to be Captain, vice Fellowes, retired, dated 27th January 1863.

Infantry.

Major (Brevet Lieutenant Colonel) William Taylor Money, from the 30th Native Infantry, to be Lieutenant Colonel, vice Haly, (108th Foot), retired, dated 3rd November 1863.

Major (Brevet Lieutenant Colonel) William Henry Freese, from the 37th Grenadiers, to be Lieutenant Colonel, vice Fischer, deceased, dated 8th January 1864.

30th Regiment of Native Infantry.

Captain (Brevet Lieutenant Colonel) Alexander Stevenson Findlay, to be Major, in succession to Haly (108th Foot), retired, dated 3rd November 1863.

37th Regiment, Native Infantry (Grenadiers.)

Lieutenant Archibald George Douglas Logan, to be Captain, in succession to Fischer, deceased, dated 8th January 1864.

General List of Infantry Officers.

Ensign Henry Whyte, to be Lieutenant, in succession to Owen, 28th Native Infantry (105th Foot), retired, dated 1st November 1863.

Ensign George Chamberlain Cooper, to be Lieutenant, vice White, General List, deceased, dated 26th November 1863.

Ensign Charles Edward Lorraine Eastall, to be Lieutenant, vice Ouchterlony, late 2nd European Regiment (105th Foot), resigned, dated 3rd December 1863.

ARMY RANK.

The undermentioned Officers to have the rank of Captain by Brevet :—

Lieutenant Dashwood Charles Gordon Shettell, of the 13th Native Infantry, dated 9th December 1863.

Lieutenant William Henry Lawrence Fuller, of the 4th Regiment, Native Infantry, dated 20th December 1863.

Lieutenant Robert Comyn Lavie, dated 20th December 1863.

Lieutenant William George Grove, of the 32nd Regiment, Native Infantry, dated 20th December 1863.

Lieutenant Selwyn New, of the 33rd Regiment, Native Infantry, dated 27th December 1863.

Lieutenant Edward Cave, of the 7th Regiment, Native Infantry, dated 27th December 1863.

ALTERATIONS OF RANK.

General List of Infantry Officers.

The undermentioned Officers to take rank from the dates specified :—

Lieutenant Henry Thomas Harris Baker, from the 25th March 1863.

Lieutenant Shelley Leigh Hunt, from the 3rd April 1863.

Lieutenant John Hotham, from the 1st May 1863.

Lieutenant Augustus Frederick Wilkinson, from the 2[illegible]th July 1863.

Lieutenant George Leckey, from the 29th August 1863.

BOMBAY STAFF CORPS.

To be Lieutenant Colonel.

Major (Brevet Colonel) Robert Romer Younghusband, C.B., dated 27th December 1863.

To be Major.

Captain John Ashburner, dated 1st January 1864.

BOMBAY ARMY.—PROMOTIONS.

14th Regiment, Native Infantry.

Lieutenant Charles Henry Hunter Forbes, to be Captain, vice Ford (Staff Corps), retired, dated 30th September 1863.

General List of Infantry Officers.

Ensign Robert William Welsh Grunlaw, to be Lieutenant, in succession to Gordon, 14th Native Infantry, retired, dated 30th October 1863.

Ensign Francis Thomas Ebden, to be Lieutenant, in succession to Harding, 2nd Native Infantry, (Staff Corps), killed in action, dated 7th November 1863.

Ensign James Fortnom Willoughby, to be Lieutenant, vice Greenland, transferred to 56th Foot, dated 18th November 1863.

ALTERATION OF RANK.

Lieutenant Charles Maxwell Ryves, to take rank from 30th September 1863.

Her Majesty has been pleased to permit the undermentioned Officers to resign their Commissions :—

Captain Robert Campbell Burn, of the Madras Staff Corps, dated 1st June 1863.

Lieutenant Percy Bloomfield Patton Gough, Madras Staff Corps, dated 31st December 1863.

The 9th June 1864.

No. 470 *of* 1864.—The undermentioned Officers are permitted to proceed to Europe, on leave of absence, on sick certificate :—

Lieutenant Wigram Battye, of the late 6th European Regiment, junior Wing Officer, Corps of Guides.	For twenty months, under the new Regulations.
Lieutenant William Walker Pemberton, of the 37th Regiment, Madras Native Infantry, Assistant Commissioner, Sittana, British Burmah.	

No. 471 *of* 1864.—Mr. Alexander David Howard is appointed a 3rd Class Sub-Assistant, in the Topographical Branch of the Survey Department, with effect from the 16th May 1864, to fill a vacancy in the Rewah Topographical Survey Party.

No. 472 *of* 1864.—The undermentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Captain (Brevet Major) G. Hutchinson, of the Bengal Staff Corps, Inspector General of Police, Punjab.	26th May 1864.
Lieutenant H. S. Ruxton, of the late 56th Regiment, Native Infantry.	

No. 473 *of* 1864.—Captain Robert Maxwell, of the late 35th Regiment, Native Infantry, is permitted to retire from the service on the pension of his rank, with effect from the 31st May 1864.

No. 474 *of* 1864.—The furlough to Europe, on private affairs, for six months, under paragraphs 9 and 20 of the new Regulations, granted to Captain A. Cory, of the 16th Regiment, Native Infantry, Brigade Major, Mecan Meer, in G. G. O. No. 722 of the 2nd December 1863, is commuted to furlough to Europe, for two years, on the same account, under the new Regulations, with effect from the date of his embarkation.

No. 475 *of* 1864.—The undermentioned Officer, having completed twenty years' service, six years of which were on permanent staff employ, to be Major, from the date specified opposite to his name, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Captain (Brevet Major) C. W. Miles, ...	2nd May 1864.

No. 476 *of* 1864.—The undermentioned Officer, having completed twelve years' service, four years of which were on permanent staff employ, to be Captain, from the date specified opposite to his name, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Lieutenant J. Trevenen, ... 28th May 1864.

No. 477 *of* 1864.—The following Sub-Conductors are appointed to officiate in the grade of Conductor :—

Ordnance Department.

Sub-Conductor James Halliday, vice Conductor Hill, on furlough.

Sub-Conductor James Brown, vice Conductor Parker, on sick leave to Europe.

No 478 *of* 1864.—The following Scale of payments is authorized for altering the Facings and re-buttoning tunics of transfers from one Regiment

to another, when they are permitted to take their clothing in wear with them :—

Cloth for Facings, 4 Inches ... ... Buttons	To be obtained from Regimental Stores, at Clothing Agency rates.		
Workmen for altering Facings	0	6	0
Do. Sewing on Buttons	0	1	0
Silk and Thread	0	1	0
Total	0	8	0

No. 479 *of* 1864.—As the appointment of trained school-masters from England to Regiments in India renders it unnecessary to maintain any longer, the Bengal Military Normal School, at Sanawur, established under the authority of G. G. O. No. 308 of the 7th March 1855, His Excellency the Governor General in Council is pleased to direct the abolition of that institution.

No. 480 *of* 1864.—The following Rules are prescribed for the supply of Riding House Furniture to Regiments of European Cavalry, and Brigades of Horse and Field Artillery :—

Riding School Furniture will be supplied through Barrack-Masters of stations, and will, in future, consist of the following articles:—

Practice Posts (complete set in 8 pieces.)
Leaping Bars.
Lances, practice.
Lance Foils.
Sticks with Baskets.
Gloves, Fencing.
Masks, Wire face.
Pads for Breast.
Masks for Head.
Clubs, 24 pairs.
Fencing Foils and Jackets, 24 of each.

NOTE.—The Practice Swords, allowed in the Tables of equipment published and distributed to Corps and Departments, under the authority of Government in 1852, are for the use of Riding Schools.

The articles will, in all instances, be issued by the Ordnance Department, on regular indents on Barrack-Masters in whose return they will be entered and exhibited as "barrack supplies."

The responsibility for the proper use of the articles will rest with the Regiment requiring them, but on a Corps quitting a station they will be made over to the Barrack-Master.

All repairs and renewals will be effected in accordance with the rules applicable to barrack furniture. The maximum rate to be charged for each article, in all cases of loss or damage by wilful carelessness or neglect, is shewn below :—

	Rs.	As.	P.	
Practice Posts	39	2	6	set.
Leaping Bars...	9	8	0	
Lances, Practice... ...	7	14	0	
Lance Foils	0	6	0	
Sticks with Baskets ...	2	10	0	
Gloves, Fencing	6	8	0	per pair.
Masks, Wire face ...	5	12	0	
Pads for Breast	12	5	0	
Masks for Head	4	9	0	
Clubs	2	0	0	per pair.
Fencing Foils	2	12	0	
Jackets	10	8	0	

No. 481 *of* 1864.—The undermentioned Officers are permitted to proceed to Europe, on leave of absence, on sick certificate :—

Major George Gill Moxon, of the Bengal Staff Corps, Deputy Inspector General of Police, Nerbudda Division, Central Provinces.	For 20 months.
Lieutenant Arthur Charles Padday, of the Royal Engineers, 2nd Class Assistant Engineer, Baree Doab Canal, Department Public Works, Punjab.	For 18 months, under the new Regulations.

The 10th June 1864.

No. 482 of 1864.—The following promotions and alterations of rank are made, subject to Her Majesty's approval :—

PROMOTIONS.

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
Cadre of the late 10th Regt., N. I.	Lieut. Charles Armstrong ...	Captain ...	1st May 1864 ...	Major E. M. Martineau, Staff Corps, Cadre of the late 10th N. I., retired.
Cadre of the late 11th Regt., N. I.	Lieut. James Dowell Swayne, (Capt. in the Staff Corps)	Captain ...	31st March 1864...	Captain F. A. Sage, Cadre of the late 11th N. I., retired.
Cadre of the late 19th Regt., N. I.	Lieut. Isaac Forsyth MacAndrew, (Capt. in the Staff Corps)	Captain ...	1st April 1864 ...	Captain J. MacDougall, Cadre of the late 19th N. I., retired.
Cadre of the late 28th Regt., N. I.	Lieut. Wemyss Smith, (Capt. in the Staff Corps)	Captain ...	26th February 1864	Captain G. A. Graham, 107th Foot, Captain in Cadre of the late 28th N. I., retired.
Cadre of the late 29th Regt., N. I.	Lieut. George Wheeler, (Capt. in the Staff Corps)	Captain ...	26th July 1862 ...	Captain F. G. Thelluson, Cadre of the late 29th N. I., resigned the service.
Cadre of the late 39th Regt., N. I.	Lieut. Thomas Francis Forster, (Capt. in the Staff Corps)	Captain ...	11th January 1864	Major J. F. Sherwill, Staff Corps, Captain in Cadre of the late 39th N. I., deceased.
Cadre of the late 42nd Regt., N. I.	Lieut. William Lumley Louis, (Capt. in the 101st Foot)	Captain ...	14th April 1864 ...	Captain C. W. Peter, Staff Corps, Cadre of the late 42nd N. I., deceased.
General List ...	Ensign Ernest Hunter Chichele Plowden, (resigned)	Lieutenant ...	2nd January 1864	Captain Sir A. K. Lake, Bart., 104th Foot, a Lieut. in the Cadre of the late 2nd European Bengal Fusiliers, retired.

ALTERATIONS OF RANK.

Corps.	Rank and Names.	To rank from.	In whose room.
Genl. List Infantry	Lieut. Edward Zohrab Thornton ...	26th July 1862 ...	Captain G. Wheeler, Staff Corps, promoted in the Cadre of the late 29th N. I.
Ditto ...	Lieut. Charles Ransford... ...	3rd August 1862 ...	Captain G. C. Rowcroft, Staff Corps, promoted in Cadre of the late 41st N. I.
Ditto ...	Lieut. John Richard Brecks Atkinson	13th August 1862 ...	Lieutenant C. O. Bowles, General List, Infantry, resigned.
Ditto ...	Lieut. James Fraser	3rd September 1862	Lieutenant S. Cary, late 37th Native Infantry, deceased.
Ditto ...	Lieut. Etwall Walter Smyth ...	4th September 1862	Lieutenant H. Tyndall, Staff Corps, promoted in the Cadre of the late 61st N. I.
Ditto ...	Lieut. Henry Parke Airey, (101st Foot)	8th September 1862	Lieutenant G. Alexander, Staff Corps, promoted in the Cadre of the late 35th N. I.
Ditto ...	Lieut. Edward Harvey Webb ...	14th September 1862	Lieutenant G. B. Lee, Cadre of the late 6th European Regiment, deceased.
Ditto ...	Lieut. Hugh Stark Anderson ...	3rd October 1862 ...	Lieutenant C. D. Blackwood, General List, Infantry, deceased.
Ditto ...	Lieut. William Walter Hopton Scott	11th October 1862 ...	Lieutenant N. Barton, Cadre of the late 52nd Native Infantry, promoted.
Ditto ...	Lieut. Claude Stewart Morrison ...	22nd October 1862 ...	Lieutenant W. L. Randall, Cadre of the late 19th Native Infantry, promoted.
Ditto ...	Lieut. Edmond Hughes	31st October 1862 ...	Lieutenant R. N. McNair, General List, Infantry, cashiered.
Ditto ...	Lieut. Percy Wyndham Smith ...	19th November 1862	Captain J. G. Campbell, 104th Foot, promoted in the Cadre of the late 42nd N. I.
Ditto ...	Lieut. Arthur Peel, (101st Foot) ...	11th December 1862	Lieutenant A. B. Temple, Staff Corps, Cadre of the late 49th Native Infantry, deceased.

ALTERATIONS OF RANK.—*Continued.*

Corps.	Rank and Names.	To rank from.	In whose room.
Genl. List Infantry	Lieut. Robert Charnley Squire Charles Tytler	15th December 1862	Lieutenant the *Hon'ble* H. H. Hare, Staff Corps, Cadre of the late 17th Native Infantry, resigned.
Ditto ..	Lieut. William Harry Hyne, (Ensign 107th Foot)	18th December 1862	Lieutenant T. B. Boileau, Cadre of the late 4th European Regiment, dismissed.
Ditto ...	Lieut. Charles Edward Hunter ...	23rd December 1862	Lieutenant H. H. Lyster, v. c., Cadre of the late 72nd Native Infantry, promoted.
Ditto ...	Lieut. Frederick Durie Boileau ...	8th January 1863 ...	Lieutenant H. Carter, 104th Foot, Cadre of the late 2nd European Bengal Fusiliers, deceased.
Ditto ...	Lieut. James Agnew McNeal ...	25th January 1863 ...	Lieutenant (Brevet Captain) H. J. Allan, late 9th Native Infantry, promoted.
Ditto ...	Lieut. Charles Frederick Thomas ...	28th January 1863 ...	Lieutenant G. Angus, General List, Infantry, resigned.
Ditto ...	Lieut. Robert Campbell Richardson, (104th Foot)	26th February 1863	Lieutenant W. F. Shaw, Cadre of the late 43rd Native Infantry, promoted.
Ditto ...	Lieut. Arthur Oldham ...	10th March 1863 ...	Lieutenant G. H. E. Howard, Cadre of the late 24th N. I., deceased.
Ditto ...	Lieut. Walter Edward Gowan ...	14th March 1863	Captain J. Perkins, Staff Corps, promoted in the Cadre of the late 71st N. I.
Ditto ...	Lieut. Vincent Charles Edward Parker, (Ensign 104th Foot)	24th March 1863 ...	Captain C. V. Jenkins, Staff Corps, promoted in the Cadre of the late 4[illegible] N. I.
Ditto ...	Lieut. Celadon Charles Brownlow ...	25th March 1863 ...	Lieutenant F. S. S. Bird, Cadre of the late 44th N. I., transferred to the 19th Foot.
Ditto ...	Lieut. Reginald Howes Allott Quinet, (Ensign 101st Foot)	15th April 1863 ...	Captain A. A. Bruce, Staff Corps, promoted in the Carde of the late 4th European Regiment.
Ditto ...	Lieut. George Waterhouse ...	17th April 1863 ...	Lieutenant J. Morland, Cadre of the late 1st European Bengal Fusiliers, promoted.
Ditto ...	Lieut. Benjamin Hill Russell ...	21st April 1863 ...	Captain E. C. Impey, Staff Corps, promoted in the Cadre of the late 5th European Regiment.
Ditto ...	Lieut. John Andrias Davidson Gordon	22nd April 1863 ...	Lieutenant H. T. Jones, Cadre of the late 31st N. I., transferred to the 81st Foot.
Ditto ...	Lieut. Edward Augustus Down, (Ensign 107th Foot)	30th April 1863 ...	Lieutenant J. C. P. Baillie, Cadre of the late 35th N. I., promoted.
Ditto ...	Lieut. Douglas Cowslade Hennessy...	2nd May 1863 ...	Captain T. Taylor, Staff Corps, promoted in the Cadre of the late 14th N. I.
Ditto ...	Lieut. Everard Neal Digges La Touche.	10th May 1863 ...	Lieutenant W. H. Buttanshaw, Cadre of the late 5th European Regiment, retired.
Ditto ..	Lieut. George Segundo Sewell, (Ensign 101st Foot)	6th June 1863 ...	Lieutenant R. N. Evans, Cadre of the late 53rd N. I., deceased.
Ditto ..	Lieut. Horace Howell ...	10th June 1863 ...	Captain J. S. Ingram, Staff Corps, promoted in the Cadre of the late 1st European Bengal Fusiliers.
Ditto ..	Lieut. Frederick Schomberg Carr ...	30th June 1863 ..	Lieutenant E. H. P. Glover, General List, Infantry, removed from the list of the Bengal Army.
Ditto ..	Lieut. Robt. Edward Seymour Smith	1st July 1863 ..	Lieutenant F. J. C. Gordon, 104th Foot, Cadre of the late 5th European Regiment, retired.
Ditto ..	Lieut. George Michell Devereux Hill	2nd July 1863 ..	Lieutenant (Brevet Captain) A. Combe, Cadre of the late 65th N. I., promoted.
Ditto ..	Lieut. Robert Vivian	7th July 1863 ..	Lieutenant E. G. Cattermole, General List, Infantry, deceased.
Ditto .	Lieut. Francis Henry Hinde ...	13th July 1863 ..	Lieutenant R. Gunning, Cadre of the late 14th N. I., deceased.
Ditto .	Lieut. Charles Hyder Forster ...	26th July 1863 ...	Lieutenant T. W. Evans, Cadre of the late 47th N. I., deceased.
Ditto ...	Lieut. Alexander Robert Badcock ...	10th July 1863 ..	Lieutenant F. A. D. Cox, Cadre of the late 17th N. I., retired.

ALTERATIONS OF RANK.—*Concluded.*

Corps.	Rank and Names.	To rank from.	In whose room.
Genl. List Infantry	Lieut. Henry Bailey, (Ensign 106th Foot)	5th August 1863 ...	Captain W. M. Gibbon, Staff Corps, Lieut. in the Cadre of the late 44th N. I., deceased.
Ditto ...	Lieut. Alfred James Stead ...	22nd Sept. 1863 ...	Lieutenant St. G. Kirke, General List, Infantry, deceased.
Ditto ...	Lieut. Frank Bird Morris ...	24th Sept. 1863 ...	Lieutenant H. F. Leighton, General List, Infantry, resigned.
Ditto ...	Lieut. Henry Wylie ...	26th Sept. 1863 ...	Captain J. B. Smyly, Staff Corps, promoted in the Cadre of the late 29th N. I.
Ditto ...	Lieut. Roderick Fraser Sandeman ...	14th October 1863...	Brevet Captain W. W. Clark, Cadre of the late 36th N. I., deceased.
Ditto ...	Lieut. William Henry Browne, (Ensign 101st Foot)	25th October 1863...	Captain C. K. Mylne, 104th Foot, promoted in the Cadre of the late 35th N. I.
Ditto ...	Lieut. Henry Jonathan Woodward, (104th Foot)	26th October 1863...	Lieutenant R. Clifford, Staff Corps, Cadre of the late 74th N. I., killed in action.
Ditto ...	Lieut. Edward Millett Forbes ...	28th October 1863 ...	Lieutenant G. M. Richmond, Cadre of the late 54th Native Infantry, deceased.
Ditto ...	Lieut. George William Beresford, (Ensign 107th Foot)	31st October 1863 ...	Captain S. S. Boulderson, Staff Corps, promoted in the Cadre of the late 37th N. I.
Ditto ...	Lieut. Arthur Benjamin Clare ...	1st November 1863 ...	Lieutenant H. Campbell, Staff Corps, promoted in the Cadre of the late 63rd N. I.
Ditto ..	Lieut. George Campbell Napier ...	13th November 1863	Captain J. B. Lind, Staff Corps, promoted in the Cadre of the late 24th N. I.
Ditto ...	Lieut. Brodrick Hudleston, (Ensign 104th Foot)	14th November 1863	Captain J. P. Davidson, Staff Corps, a Lieutenant in the Cadre of the late 4th Native Infantry, killed in action.
Ditto ...	Lieut. Alexander Innes Shepherd, (Ensign 107th Foot, now of 93rd Regt.)	17th November 1863	Captain (Brevet Major) L. Forbes, Staff Corps, a Lieutenant in the Cadre of the late 2nd Native Infantry, transferred to the 51st Foot.
Ditto ...	Lieut. Walter Jones ...	18th November 1863	Lieutenant W. T. Woodcock, General List, Infantry, deceased.
Ditto ...	Lieut. Archibald Cuthbert Bigg Wither	19th November 1863	Lieutenant H. H. Chapman, 101st Foot, Cadre of the late 6th European Regiment, killed in action.
Ditto ...	Lieut. Edmund Leopold Clarke, (Ensign 103rd Foot)	26th November 1863	Captain T. E. VanderGucht, Staff Corps, promoted in the Cadre of the late 5th European Regiment.
Ditto ...	Lieut. Charles More Stockley, (Ensign 101st Foot)	1st December 1863 ...	Lieutenant F. Hibbert, Cadre of the late 35th Native Infantry, transferred to the 24th Foot.
Ditto ...	Lieut. Henry John Lawrence ...	6th December 1863 ...	Lieutenant St. G. M. Bishop, Cadre of the late 66th Goorkha Regiment, Light Infantry, killed in action.
Ditto ...	Lieut. William Loch	10th December 1863	Major C. Irvine, Staff Corps, promoted in the Cadre of the late 51st N. I.
Ditto ...	Lieut. Richmond Shakespear ...	14th December 1863	Lieutenant R. Norton, General List, Infantry, removed from the service.
Ditto ...	Lieut. Binfield Womyss	15th December 1863	Lieutenant (Brevet Captain) R. C. Whitting, Cadre of the late 70th Native Infantry, promoted.
Ditto ...	Lieut. Robert William Napier ...	17th December 1863	Lieutenant F. J. Keen, Staff Corps, promoted in the Cadre of the late 35th N. I.
Ditto ...	Lieut. Frederick Mills Malet Harris...	30th December 1863	Lieutenant H. Sconce, Staff Corps, promoted in the Cadre of the late 74th N. I.
Ditto ...	Lieut. Stephen Hotham ...	1st January 1864 ...	Lieutenant W. L. Dickens, Cadre of the late 26th Native Infantry, deceased.
Ditto ...	Lieut. Howard Kingscote ...	11th January 1864...	Captain T. F. Forster, Staff Corps, promoted in the Cadre of the late 39th N. I.
Ditto ...	Lieut. Arnold Dashwood Strettel, (Ensign 109th Foot)	13th January 1864...	Lieutenant W. D. Shaw, Cadre of the late 2nd Native Infantry, struck off the list of the Bengal Army.

No. 483 *of* 1864.—Jemadar Futtey Khan, of the 20th Punjab Regiment, Native Infantry, is, at his own request, permitted to resign the service.

No. 484 *of* 1864.—The services of Lieutenant E. Shaw, 10th Madras Native Infantry, are placed at the disposal of the Foreign Department.

H. W. NORMAN, *Col.*,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 148.

Simla, the 2nd June 1864.

Notifications.—Mr. E. O'Neill is permitted to resign his appointment as Supervisor in the Public Works Department, with effect from the 12th April 1864.

No. 149.

The 4th June 1864.

Notification No. 104 of the 8th April 1864, transferring Captain E. Swetenham, Executive Engineer, 4th Class, to Bengal, is cancelled; and Mr. W. D. Brockman, Executive Engineer, 4th Class, is transferred from the North-Western Provinces to Bengal, in his place.

No. 150.

The promotion of Mr. F. J. Williams, of the Public Works Department, to Assistant Engineer, 2nd Class, will have effect from the 1st November 1862, instead of "the 1st May 1863."

No. 151.

The 7th June 1864.

The appointment of Mr. P. H. Trotter, Deputy Controller and Examiner of Public Works Accounts, Bengal, to take charge of the Office of the Controller, from the 16th May 1864, from Captain W. S. Trevor, on his departure on privilege leave, is approved.

No. 152.

Transfer.—Lieutenant H. W. Clarke, Probationary Assistant Engineer, is transferred from the 1st Division, Great Northern Road, to the Saugor and Nagode Road, with effect from the 31st January 1864.

No. 153.

Leave.—Mr. J. W. Inglis, Assistant Engineer, Lucknow Division, is granted preparatory leave, from the 22nd March to the 12th April 1864, both days inclusive.

R. STRACHEY, *Col.*,
Secy. to the Govt. of India.

ADVERTISEMENTS.

LOST.

DELHI BANK CORPORATION, "LIMITED."
Calcutta, 30th May 1864.

Halves of Currency Notes,—
No. 15093 for Rs. 20.
Nos. 32201, 45745, and 85714 for Rs. 10 each.
Payment stopped at the Bank of Bengal.

LOST.

BANK OF BENGAL,
Calcutta, 31st May 1864.

Government Currency Notes,—
No. 00252 for Rs. 50.
No. 92087 for Rs. 10.
Payment stopped.

PUBLIC WORKS CONTRACT.

Sealed Tenders will be received at the Office of the Executive Engineer, Presidency Division, up to noon on the 14th June 1864, for constructing and fixing an Iron Pile Wharf in the Rangoon River at Rangoon, British Burmah.

Time allowed for completion, 18 months.

The contract must not be sub-let.

The Tenders will be received and opened at the above time and place by the Executive Engineer, Presidency Division, in the presence of those interested, who may choose to attend, and all such as may be in proper form and on which the required amount of deposit money has been lodged, will be forwarded to the Executive Engineer, Rangoon Division, by the Mail Steamer of the 16th June.

No Tenders will be received without a deposit of Rupees 3,000 (Three Thousand) in Bank of Bengal Notes or Government Paper, which will be returned to unsuccessful competitors on the rejection of their Tenders, and will be forfeited in the event of the successful competitor failing to sign the contract and furnish the required security, within three days from the date of acceptance of his Tender being notified to him.

The security offered for the due performance of the contract must be either cash, or other property readily convertible into cash, to the value of ten per cent. of the full amount of the contract.

Blank forms of Tenders can be obtained at the Office of the Executive Engineer, Presidency Division.

The plans and specifications of the work may be seen, and tracings of any part thereof can be taken, and all other particulars ascertained at the Office of the Executive Engineer, Presidency Division.

The Executive Engineer, Rangoon Division, will notify to parties concerned the acceptance or rejection of their Tender.

ALEX. H. B. BRUCE, *Captain*, S. C.,
Officiating Executive Engineer,
Rangoon Division, P. W. D.

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 24.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, JUNE 11, 1864.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of Bengal.

Report on the state of the Salt Market.

From H. T. PRINSEP, Esq., Offg. Junior Secretary to the Board of Revenue, L. P., to the Offg. Secretary to the Government of Bengal.—Fort William, the 18th May 1864.

I am directed by the Board of Revenue to submit their Report on the state of the Salt market during the fourth quarter of 1863-64.

A. Grote, Esq.

2. The Rowannah sales of Government Salt sold by the Board, as shewn on the margin, amounted to maunds 1,14,241. The monthly average was 38,080, or 1,100 maunds less than the average of the previous quarter. The falling off in the sales occurred in April.

February 1864, maunds...		39,271
March	„ „ ...	41,050
April	„ „ ...	33,920
Total maunds...		1,14,241

3. The sales of Government Salt from the Ghûsery Golahs in the quarter were 2,125 maunds against 5,455 maunds in the preceding quarter; from the Hidgellee Depôt 16,400 maunds against 11,700 maunds; from Narainpore (Tumlook) 93,516 maunds against 91,245 maunds; and from Chittagong 2,200 maunds against 9,200 maunds.

4. The sales of Excise Salt in the quarter were 13,045 maunds, while in the previous quarter only 9,729 maunds were sold.

5. The following Comparative Statements shew the quantities of Salt which have passed the border Chowkeys of Baboogunge up the Hooghly, and Gopalgunge *en route* to the Gorai, and which have been despatched into the interior of the Country by Rail:—

Period.	Quantity of Salt which has passed Baboogunge up the Hooghly.	Quantity of Salt which has passed Gopalgunge *en route* to the Gorai.
	Maunds.	Maunds.
4th Quarter of 1861-62...	1,28,709	3,24,202
„ 1862-63 ..	1,52,425	3,24,799
„ 1863-64...	2,14,654	3,30,141

Period.	Quantity of Salt despatched by the East Indian Railway.	Quantity of Salt despatched by the Eastern Bengal Railway.
	Maunds.	Maunds.
4th Quarter of 1861-62...	90,231	.....
„ 1862-63...	1,29,647	... .
„ 1863-64...	1,37,489	3,758

6. The importations and clearances of Sea-imported Salt are shewn in the following Comparative Statement :—

Kind of Salt.	1861-62. 4TH QUARTER.		1862-63. 4TH QUARTER.		1863-64. 4TH QUARTER.	
	Imported.	Cleared.	Imported.	Cleared.	Imported.	Cleared.
	Maunds.	Maunds.	Maunds.	Maunds.	Maunds.	Maunds.
Liverpool Pungah ...	9,97,271	5,77,387	17,31,832	11,83,983	16,26,528	8,83,008
Foreign Kurkutch ...	.....	28,378	19,142	61,431	1,19,240	1,00,216
Indian ditto ...	5,03,197	1,78,165	1,36,435	2,16,022	1,37,975	1,94,354
Ceylon ditto ...	.....	.....	408	3,036	.....	.....
Total ...	15,00,468	7,83,930	18,87,817	14,64,472	18,83,743	11,77,578

7. From private advices the shipments of Liverpool Salt appear to have been in—

January 1864 - Tons 12,903
February „ - „ 8,391
March „ - „ 10,210

Total Tons 31,504 or mds. 8,57,609.

It was expected apparently that the April shipments would exceed those of March.

8. At the beginning of February the price of Liverpool Salt was Rupees 60 per 100 maunds; by the middle of the month it fell to Rupees 55, then to Rupees 50, and towards the end of the month it rose to Rupees 52. In March and during the first three weeks of April the price of this Salt fluctuated between Rupees 50 and 51; in the last week of April it fell to Rupees 45. The price of Madras Kurkutch rose from Rupees 38 in February to Rupees 40 in March; in April it went up to Rupees 48 and then fell to Rupees 40. The price of Bombay Salt fluctuated between Rupees 40 and 45. Excise Salt has been selling for Rupees 95, which is only 1 Rupee short of the price of Government Salt at the Ghoosery Depôt.

9. In the following Statement are shewn the quantities of Salt available for exportation on private trade at the several Madras Depôts on the first day of each of the three months of the quarter, compared with the corresponding dates of the previous year :—

Date.	1863.	1864.
	Maunds.	Maunds.
1st February ...	11,64,138	5,82,780
1st March ...	12,55,856	4,72,547
1st April ...	13,49,381	5,11,427

10. From a Report received from the Commissioner of Nuddea it appears that Liverpool Salt is fast gaining ground with consumers in his Division, and that prejudice against it is gradually disappearing.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 24.

The Gazette of India.

Published by Authority.

SATURDAY, JUNE 18, 1864.

HOME DEPARTMENT.

No. 674.

Simla, the 10th June 1864.

Notifications.—Mr. H. B. Sleeman, Officiating Superintendent of Telegraphs, Sind Circle, has obtained one month's privilege leave of absence, under Section 16 of the Revised Absentee Rules of the Uncovenanted Service.

No. 676.

In continuation of the Notification No. 2119, dated the 30th of March 1863, relating to Revised Rules for furlough and leave of absence to Judges of the High Court of Judicature for the Bengal Division, of the Presidency of Fort William, which appeared in the *Calcutta Gazette* of the 1st April, the following amended Rule, communicated by the Right Hon'ble the Secretary of State, in his Despatch No. 25, in the Judicial Department, dated 25th April 1864, is published for general information :—

"Short leave, on private affairs, may be granted to the Judges of the High Court, under Sections XII. and XIII. of the Rules on leave applicable to Covenanted Civil Servants."

No. 676 A.

The 11th June 1864.

Privilege leave of absence for three months, under Financial Notification, dated the 31st July 1863, has been granted to Mr. W. McGregor, Assistant Superintendent, Government Telegraphs, Dacca Circle.

No. 676 B.

The Governor General in Council is pleased to re-attach to the Bengal Division, of the Presidency of Fort William, Mr. William LeF. Robinson, of the Civil Service, who returned from furlough on the evening of the 9th instant.

No. 677.

The 13th June 1864.

Mr. Moberly, Superintendent of Telegraphs, to have charge of the Indore Circle.

Nos. 679 & 682.

The Governor General in Council is pleased to direct the following addition to be made to List No. II., published under date the 29th September 1854, of parties authorized to send letters and Official *Gazettes, bonâ fide* and exclusively on the Public Service, relating to the business of their respective departments, without actual payment of postage, but only to the authorities hereinafter named, viz. :—

The Superintendent of the Office of the Settlement Commissioner, Central Provinces, to the Officers immediately subordinate to the Commissioner.

The Superintendent, Botanical Gardens, North-Western Provinces, to the Civil Pay-Master, North-Western Provinces.

No. 685.

Mr. B. Ffinch, Assistant Superintendent, Telegraph Department, is appointed to officiate as Superintendent in charge of the Bengal Circle.

No. 687.

The Governor General in Council is pleased to attach Mr. H. F. D. Moule, of the Civil Service, reported qualified for the Public Service, to the North-Western Provinces, the Punjab and Oudh.

No. 689.

The Governor General in Council is pleased to attach Mr. Henry Sneyd Beadon, of the Civil Service, reported qualified for the Public Service, to the Bengal Division, of the Presidency of Fort William.

Nos. 691 & 694.

The Governor General in Council is pleased to direct the following addition to be made to List No. I., published under date the 29th September 1854, of parties authorized to send by post, without actual payment of postage, all letters, packets or parcels, *bonâ fide* and exclusively on the Public Service, viz.:—

Head Commissioner of Issue of Paper Currency, Calcutta.

Commissioners of Issue of Paper Currency, ... } Madras, Bombay.

Deputy Commissioner of Issue of Paper Currency, ... } Allahabad.
Assistant Commissioner of Issue of Paper Currency, ... } Allahabad.

The Superindendent of Vaccination, Agra and Meerut Division.

The Superintendent of Vaccination, Rohilkund, Kumaon, and Gurhwal.

The Superintendent of Vaccination, Benares Circle.

The Superintendent of Vaccination, Allahabad and Jhansie Circle.

No. 697.

Lieutenant W. G. Hughes, Superintendent of Police, 3rd Class, made over charge of his Office, at Myanoung, to Lieutenant R. F. Litchfield, Assistant Superintendent of Police, on the forenoon of the 3rd May 1864.

No. 698.

Captain G. W. Sanders, Superintendent of Police, 1st Class, in British Burmah, has obtained six months' leave, on urgent medical certificate, with permission to proceed to Sea, from the afternoon of the 2nd May last, the date he made over charge of his Office to the Deputy Commissioner of Bassein.

No. 699.

The following arrangements, in the Police of British Burmah, are sanctioned by His Excellency the Viceroy and Governor General:—

Consequent on the services of Lieutenant Hill, Superintendent of Police, having been placed at the disposal of the Military Authorities, Captain W. G. Grove, Superintendent of Police, 3rd Class, was transferred to the Martaban District, and took charge on the forenoon of the 3rd September 1863.

No. 744.

With reference to Notification No. 570, dated the 25th January last, it is hereby notified that Mr. R. F. Stack has been appointed by the Secretary of State in the Office of Solicitor to Government.

E. C. Bayley,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 92.

Judicial.

Simla, the 14th June 1864.

Notification.—Mirza Kulb Alee, extra Assistant Commissioner, in Oudh, has passed the lower standard of examination prescribed for Assistant Commissioners.

Mirza Kulb Alee is invested with the powers of a subordinate Magistrate of the 1st Class, in the Criminal Department, and with the special powers of an Assistant Commissioner, in the Civil and Revenue Departments.

C. U. Aitchison,
Under-Secy. to the Govt. of India.

No. 156.

Political.

Notifications.—Proclamation is hereby made that the District of British Nimar ceased, from the 1st June, to form part of the Central India Agency, and was from that date transferred to the Administration of the Chief Commissioner of the Central Provinces.

No. 166 A:

The 15th June 1864.

His Excellency the Right Hon'ble the Viceroy and Governor General held a Durbar this day for the reception of the Chiefs of the Hill States between the Sutlej and Jumna.

The Chiefs with their nearest relatives and principal ministers, and the Civil and Military Officers of the Station having assembled, the Viceroy and Governor General, accompanied by His Excellency the Commander-in-Chief, and the Honourable Members of Council, entered and took his seat.

Each Chief and Native Gentleman present was introduced to the Viceroy and Governor General, and the usual offerings having been presented and accepted, His Excellency then addressed the Chiefs in Hindoostani, to the following effect:—

"Rajahs, Chiefs, and Teekas, it is now about 50 years since you were freed from the Goorkha yoke by the British Government; and though the overthrow of the Goorkhas was effected without any active assistance on the part of the Hill Chiefs, yet the British Government reinstated you all in your several Chiefships and Estates, and treated you with the utmost consideration and liberality. Your conduct has since that time been marked, as under such circumstances it ought to have been, by loyalty towards your benefactor, the British Government; and I have no doubt that you will continue by the like behaviour to merit its good will and protection. It is, however, equally your duty, remembering how well and considerately you have yourselves been treated, that each one of you, Rajah, Chief, and Teeka, extend to your dependants and Ryots, like beneficence of rule and management. Be just to your Ryots, confine your revenue

demands to that which is fair to them. Study their welfare and contentment, and allow no exaction or oppression to have place.

Bear in mind, too, the value of knowledge, and encourage education. Without it neither Rajah nor Ryot is secure from error and imposition; knowledge on the other hand enables both Chiefs and people to comprehend their respective rights and duties, and defends them from being easily duped or misled by the designing and unprincipled. Encourage education, therefore, both in your own families and among your people.

"I have had much pleasure in receiving you here in Durbar; and with these few words of advice shall, for the present, take leave of you."

Khilluts were then bestowed, and Uttur and Paun distributed. After these concluding ceremonies His Excellency left his seat,* and the assembly broke up.

* There being no Artillery at Simla, the usual Royal Salute for his Excellency the Viceroy and Governor General, and the salutes to which the Rajahs of Sirmoor and Belaspore are entitled, were not fired.

H. M. DURAND,
Secy. to the Govt. of India.

No. 415.

GENERAL.

The 14th June 1864.

Notifications.—Rai Guneshee Lall, extra Assistant Commissioner for Boundary Demarcation, in Oudh, has obtained one month's privilege leave of absence, from the 16th instant, or from such subsequent date as he may avail himself of it.

No. 417.

Major E. B. Ramsay, Military Assistant to the Commissioner of Mysore, returned to his duty, on the 12th ultimo, from the two months' privilege leave granted him in G. O. No. 692, dated 18th March last.

No. 419.

Captain M. Lloyd, Deputy Commissioner, 3rd Class, Toungoo District, British Burmah, received charge of the Treasury of that district from Mr. W. D'C. Ireland, Assistant Commissioner, 3rd Class, on the afternoon of the 10th November 1863.

Mr. W. D'Courcy Ireland, Assistant Commissioner, 3rd Class, made over charge of the Toungoo Treasury, to Captain M. Lloyd, Deputy Commissioner, 3rd Class, on the forenoon of the 2nd April last, and the latter Officer made over charge of the same to Lieutenant C. O'L. L. Prendergast, Assistant Commissioner, 3rd Class, on the afternoon of the same day.

No. 421.

First Class Native Doctor, Sheikh Foyz Mahomed, is appointed to the charge of the Jail Hospital, at Akyab.

First Class Native Doctor, Mahomed Asgur, attached to the Jail Hospital, at Akyab, is dismissed from the service of Government.

No. 426.

Major Steel, Deputy Commissioner of the 1st Class, Oudh, having vacated his appointment, His Excellency the Viceroy and Governor General in Council is pleased to make the following promotions in the Oudh Commission :—

Mr. E. O. Bradford, 2nd Class Deputy Commissioner, to be Deputy Commissioner, of the 1st Class.

Mr. C. Lindsay, C. S., Deputy Commissioner, 3rd Class, to be Deputy Commissioner of the 2nd Class.

Mr. W. Glynn, Assistant Commissioner, 1st Class, to be Deputy Commissioner of the 3rd Class.

Captain H. S. V. Fisher, Assistant Commissioner, 2nd Class, to be Assistant Commissioner of the 1st Class.

Mr. J. Dyson, Assistant Commissioner, 3rd Class, to be Assistant Commissioner of the 2nd Class.

No. 428.

Lieutenant W. W. Pemberton, Assistant Commissioner, 3rd Class, British Burmah, has obtained one month's preparatory leave of absence, from the 23rd April last, to proceed to Calcutta for the purpose of obtaining further leave, to Europe, on medical certificate.

No. 430.

His Excellency the Viceroy and Governor General in Council is pleased to appoint Lieutenant E. Shaw, of the 10th Madras Native Infantry, to be an Assistant in the Mysore Commission, on probation.

No. 432.

Captain C. Coote, in charge of the current duties of the Deputy Commissioner of Tavoy, made over charge of the Treasury of that District to Moung Shive'Kyee, extra Assistant Commissioner, 2nd Class, on the forenoon of the 16th April last, as a temporary measure.

Lieutenant W. W. Pemberton, Assistant Commissioner, 3rd Class, made over charge of the Sittang Sub-division, of the Martaban District, to Mr. W. D'Courcy Ireland, Assistant Commissioner, 3rd Class, on the forenoon of the 23rd April last.

Captain A. R. McMahon, Supernumerary Assistant Commissioner, 1st Class, received charge of the Office of Magistrate of Akyab from Captain E. J. Spilsbury, Deputy Commissioner, 3rd Class, on the forenoon of the 2nd instant.

No. 434.

Assistant Surgeon H. R. Oswald, M. D., in medical charge of the Nuggur Division, in Mysore, has obtained 15 days' privilege leave of absence, in extension of that granted him in G. O. No. 212, dated 21st ultimo.

No. 436.

On the afternoon of the 25th May last, Mr. G. Hough, Assistant Commissioner, 2nd Class, at Rangoon, made over charge of his Office and the

Treasury, and also of the Office of Registrar of Deeds, at Rangoon, to Mr. J. Treacy, Supernumerary Assistant Commissioner, 3rd Class.

On the afternoon of the same date, Mr. Hough assumed charge of the Office of Registrar of Rangoon, from Dr. W. H. Clarke, Recorder of Rangoon.

No. 448.

The 16th June 1864.

With reference to G. O. G. G. Nos. 242 and 248, dated 25th May, relating to the qualification tests for employment in the Civil and Political Departments of the Staff Corps, and to G. O. No. 384, dated 9th June, it is hereby further notified that Officers of the late Indian Army, being eligible for Civil and Political employment, without joining the Staff Corps, will not be required, under G. O. No. 248, to declare their intention of joining the Staff Corps. But all such Officers, whose appointments to the Civil and Political Departments date subsequently to 1st January 1862, will be required to appear at the examination, in the first week of October next, and to pass the tests prescribed in G. O. No. 242, either at that examination, or at the latest at the examination to be held in the first week of April next, on pain of forfeiture of their appointments.

All Officers of the late Indian Army who may not have joined the Staff Corps, and who may hereafter receive appointments in the Civil and Political Departments, will hold their appointments for one year, on probation, and subject to the same tests and conditions of confirmation as those applicable to Officers employed in the above Departments of the Staff Corps, on probation.

No. 450.

Mr. F. Motley, extra Assistant Commissioner, 1st Class, in British Burmah, made over charge of the township of Mungdoo, in the Akyab District, to Mr. F. W. Hunt, extra Assistant Commissioner, 1st Class, on the afternoon of the 5th May last.

No. 453.

Lieutenant W. G. Hughes, Superintendent of Police, 3rd Class, British Burmah, is appointed to officiate as an Assistant Commissioner of the 3rd Class in that Province, and is posted to Kankareit, in the Amherst District.

Lieutenant Hughes assumed charge of his Office, from Myoke Moung Tha'Louk, on the afternoon of the 21st May last.

No. 456.

The undermentioned Officers of the British Burmah Commission have passed the prescribed examination:—

For the Higher Standard.

Mr. W. D'C. Ireland, Assistant Commissioner, 3rd Class, with credit.

Lieutenant C. E. Waston, Assistant Commissioner, 2nd Class.

For the Lower Standard.

Captain F. N. Bayley, Assistant Commissioner, 1st Class.

Lieutenant G. A. Strover, Assistant Commissioner, 3rd Class.

No. 458.

His Excellency the Viceroy and Governor General in Council is pleased to accept Captain R. N. Taylor's resignation of his Civil appointment, in the Mysore Commission, and of his Office of Superintendent of Coorg.

C. U. AITCHISON,
Under-Secy. to the Govt. of India.

Statement of the District in British Burmah, the Survey of which has been completed.

Name of District.	Date of completion.
Akyab	30th September 1861.

H. L. THUILLIER,
Surveyor General of India.

FINANCIAL DEPARTMENT.

No. 766.

Simla, the 10th June 1864.

Notification.—Leave of Absence.—Mr. E. F. Harrison, Officiating Deputy Auditor and Accountant General, Bengal, has been allowed one month's privilege leave, from the date on which he may be relieved of the duties of his office.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

FINANCIAL. No. 94.

INDIA OFFICE; *London, 25th April* 1864.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I forward herewith, for the information and guidance of your Government, copy of Act 27 Vic., Cap. 2, being "an Act to enable the Right Hon'ble Sir J. L. M. Lawrence to receive the full benefit of the salary of Governor General of India, notwithstanding his being in receipt of an annuity granted to him by the East India Company."

I have, &c.,

(Sd.) C. WOOD.

No. 791.

The 11*th June* 1864.

Ordered that the foregoing Despatch, together with the Act therein referred to, be published in the *Gazette of India* for general information.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

27 VIC., CAP. 2.

An Act to enable the Right Honourable Sir John Laird Mair Lawrence, *to receive the full benefit of the Salary of Governor General of* India, *notwithstanding his being in receipt of an Annuity granted to him by the* East India *Company.*

18*th March* 1864.

WHEREAS the Court of Directors of the *East India* Company did, on the Eleventh Day of *August* One thousand eight hundred and fifty-eight, unanimously resolve that, as a special Mark of the high Sense entertained by the *East India* Company of the eminent Services of the Right Honourable Sir *John Laird Mair Lawrence,* Knight Grand Cross of the Most Honourable Order of the Bath, Knight of the Most Exalted Order of the Star of *India,* late Chief Commissioner of the *Punjab,* and now Her Majesty's Viceroy and Governor General of *India,* in crushing incipient Mutiny in the *Punjab,* and maintaining that Province in Tranquility during a Year of almost universal Convulsion, in equipping Troops and preparing Munitions of War for distant Operations, thereby mainly contributing to the Re-capture of *Delhi,* and to the subsequent Successes which attended the *British* Arms, and also as a Testimony of the high Sense entertained by the *East India* Company of his high public Character and Conduct throughout a long and distinguished Career, an Annuity of Two thousand Pounds, commencing from the Date of his Retirement from the Civil Service of the *East India* Company, be granted to the said Right Honourable Sir *John Laird Mair Lawrence* for the Term of his natural Life, which Resolution has been sanctioned by the General Court of Proprietors of the said Company, and confirmed by the Board of Commissioners for the Affairs of *India,* in the Manner required by Law to give full Effect to such Resolution: And whereas by an Act passed in the Session held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for effecting an Arrangement with the* East India *Company, and for the better Government of His Majesty's* Indian *Territories, till the Thirtieth Day of* April *One thousand eight hundred and fifty-four,* it was, amongst other things, provided, that there should be paid to the Governor General of *India,* to each Ordinary Member of the Council of *India,* to each Governor of the Presidencies of *Fort Saint George, Bombay,* and *Agra,* and to each Member of any Council in any Presidency, the several Salaries therein mentioned, and that the said Salaries should be the whole Profit or Advantage which the said Officers should enjoy during their Continuance in such Offices, respectively; and it was thereby also provided, that if any Governor General, Governor, or Ordinary Member of the Council of *India,* or any Member of the Council of any Presidency, should hold or enjoy any Pension, Salary, or any Place, Office or Employment of Profit under the Crown, or any Public Office, or the said Company, or any Annuity payable out of the Civil or Military Fund of the said Company, the salary of his Office of Governor General of *India,* Governor, or Member of Council should be reduced by the Amount of the Pension, Salary, Annuity, or Profits of Office so respectively held or enjoyed by him: And whereas it is deemed fit and proper, in consideration of the Services of the said Right Honourable Sir *John Laird Mair Lawrence,* to make such Provision as hereinafter is contained: And whereas by an Act passed in the Session held in the Twenty-first and Twenty-second Years of the Reign of Her Majesty, Chapter One hundred and six, intituled *An Act for the better Government of* India, it was, amongst other things, provided, that the Expenditure of the Revenues of *India* both in *India* and elsewhere, shall be subject to the Control of the Secretary of State in Council of *India:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

3 & 4 W. 4. c. 85.

21 & 22 Vict. c. 106.

Power to Secretary of State for India to pay to Sir J. L. M. Lawrence the full Amount of Salary as Governor General of India, in addition to Annuity granted by East India Company.

1. That the herein-before recited Provisions of the said Act of the Session of the Third and the Fourth Years of the Reign of King *William* the Fourth shall not have any Application in the Case of the said Annuity of Two thousand Pounds *per Annum* granted to the said Right Honourable Sir *John Laird Mair Lawrence* as aforesaid; and accordingly it shall and may be lawful for the Secretary of State in Council of *India* to pay, and for the Right Honourable Sir *John Laird Mair Lawrence* to receive, the full Amount of the Salary of the Office of Governor General of *India* during the Time of the Continuance of the said Right Honourable Sir *John Laird Mair Lawrence* in such Office, without any Reduction or Diminution in respect of the said Annuity of Two thousand Pounds, anything in the said Act or in any other Act or Acts contained to the contrary notwithstanding.

No 825 A.

The 13*th June* 1864.

Extract from a Despatch from the Right Hon'ble the Secretary of State for India, addressed to the Government of India, in the Financial Department, No. 93 *of* 1864, *dated the* 25*th April.*

Letter dated 11th January 1864, No. 2.

Para. 6. I sanction the rule here reported to have been laid down, to the effect "that security shall not be demanded from Civil Servants proceeding on furlough, in cases in which the demands existing against them in the public books may be certified to be trifling in amount, or apparently susceptible of adjustment in due course."

Ordered that the above paragraph be published in the *Gazette of India* for general information.

E. H. LUSHINGTON,
Secy. to the Govt. of India

No. 864.

The 17th June 1864.

Notifications.—In continuation of the Notification No. 1648, dated 29th March last, the following approximate Statement of Receipts from Income Tax and the Sale of Stamps, from November 1863 to January 1864, is published for general information :—

	Income Tax Collections.	Stamp Collections.	Stamp Receipts in 1858-59.
	Rupees.	*Rupees.*	*Rupees.*
Govt. of India ...	2,29,910	.....	30,285
Bengal ...	10,51,992	13,06,824	7,19,860
N. W. Provinces ...	4,51,790	6,09,598	3,28,614
Punjab ...	67,643	2,25,105	1,00,834
Central Provinces..	66,673	88,417	Included under Government of India and the N. W. P.
Madras ...	2,70,842	6,01,961	2,02,132
Deccan ...	3,265	33,354	Included under Government of India.
Bombay ...	5,50,087	10,99,397	2,11,899
Total Rupees, ...	26,92,202	39,64,656	15,93,624

N. B.—The Stamp Receipts in the corresponding period of the year 1858-59, is shown in the last column.

No. 870.

Mr. J. L. Lushington delivered over, and Mr. F. Lushington received, charge of the Office of Deputy Auditor and Accountant General, Madras, on the forenoon of the 25th ultimo.

By order of the Governor General in Council,

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 13th June 1864.

No. 485 *of* 1864.—Lieutenant Colonel (Brevet Colonel) G. P. Whish, of the Bengal Staff Corps, is permitted to visit the Presidencies of Fort St. George and Bombay on the leave, on private affairs, for six months, granted to him in G. G. O. No. 202 of the 8th March 1864.

No. 486 *of* 1864.—ERRATUM.—In G. G. O. No. 252 of the 7th April 1863, laying down the Establishment for Regiments of European Cavalry in India, opposite the entry, 7th Troop, Serjeant Majors, insert the figure 1 under the heading Depôt Troop. Order books to be corrected accordingly.

No. 487 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe, on furlough, on private affairs :—

2nd Captain Henry Archibald Mallock, of the Royal Artillery, Store-keeper, Electric Telegraph Department, Calcutta.	For six months, under the new Regulations.

No. 488 *of* 1864.—The undermentioned Officers are permitted to proceed to Europe, on leave of absence, on sick certificate :—

Major Richard John Edgell, of the late 53rd Regiment, Native Infantry, Brigade Major, Barrackpore.	For 18 months, under the new Regulations.
Surgeon Major Charles Lindsay Cox, A. B. and F. R. C. S., of the Medical Department, Officiating Principal Medical Store-keeper to Government.	For 20 months, under the new Regulations.

No. 489 *of* 1864.—The following promotions and alterations of rank are made, subject to Her Majesty's approval :—

PROMOTIONS.

Corps or Department.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
Medical Department	Asst. Surgeon Joseph Christian Corbyn, M. B.	Surgeon ...	12th March 1864...	Surgeon Major C. M. Henderson, M. D., retired.
Ditto ...	Asst. Surgeon George Moncrieff Govan, M. D.	Ditto ...	24th March 1864...	Deputy Inspector General of Hospitals, W. Thomson, retired
Ditto ...	Asst. Surgeon Stephen Chapman Townsend	Ditto ...	1st April 1864 ...	Deputy Inspector General of Hospitals, J. B. Dickson, retired

ALTERATIONS OF RANK.

Corps or Dept.	Rank and Names.	To rank from.	In whose room.
Medical Dept. ...	Surgeon James Alexander Caldwell Hutchinson, M. D.	24th August 1863 ...	Surgeon Major A. Grant, retired.
Ditto ...	Surgeon John Barclay Scriven ...	10th September 1863	Deputy Inspector General of Hospitals, R. W. Faithfull, deceased.
Ditto ...	Surgeon Joseph Walter Raleigh Amesbury	16th September 1863	Surgeon Major A. Webb, deceased.
Ditto ...	Surgeon Charles Stewart, M. D. ...	16th October 1863 ...	Surgeon P. G. Lay, retired.
Ditto ..	Surgeon Edward McKellar ...	18th December 1863	Deputy Inspector General of Hospitals, M. McN. Rind, deceased.
Ditto ...	Surgeon Alexander Christison, M. D.	20th December 1863	Surgeon Major T. W. Wilson, retired.
Ditto ...	Surgeon James Macnabb Cuningham, M. D.	8th March 1864 ...	Surgeon A. White, M. D., retired.

No. 490 *of* 1864.—The undermentioned Out-pensioners of the Royal Hospital, at Chelsea, having been permitted to reside and draw their stipends in India, payment of pensions is to be made and charged accordingly :—

	Rate of Pension per diem.
Sergeant Benjamin Moore, late of the 23rd Brigade, Royal Artillery. Sergeant Lawrence Ryan, late of Her Majesty's 1st Battalion, 19th Foot.	2*s.* (two shillings) each per diem, from the date on which they respectively cease to receive Regimental Pay.

No. 491 *of* 1864.—With reference to G. G. O. No. 273 of the 16th April 1863, it is hereby notified that the Commissioners of Chelsea Hospital have increased the pension of Sergeant J. Jowit, late of the 5th Horse Brigade Royal Artillery, from (1*s.* 10*d.*) one shilling and ten pence, to (2*s.*) two shillings per diem, from the date on which his pension commenced.

No. 492 *of* 1864.—In conformity with G. G. O. No. 144 of 1852, the following Statement of Deposits made at the Presidency Pay Office, during the month of May 1864, on account of the Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of the Indian Military Forces of Her Majesty, is published for general information; and it is hereby notified that claims to the Estates in question, which shall not be preferred to the Presidency Pay Master by Executors and Administrators before the conclusion of twelve months after the date of decease, cannot be attended to in this country, as the money, after that period, will be remitted to, and made payable by, the Secretary of State for India :—

STATEMENT of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of Her Majesty's Indian Military Service, in the month of May 1864.

Date of Deposit.	On whose account.	Rank.	Corps.	General number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co's. Rupees.	Equivalent in sterling.	Rate of Exchange.	Remarks.
	Commissioned and Warrant Officers.						Rs. As. P.		Rs. As. P.						
9th May 1864.	(a) James Hill	Conductor ..	Ordnance Dept. ...	...	12th June 1859	Testate	1,528 0 0	... ...	1,528 0 0						
10th " "	(b) John Paton Davidson ...	Captain ...	Bengal Staff Corps, 1st P. I.	...	13th Nov. 1863	Intestate	222 15 6	... ...	222 15 6						
" "	(c) John Brown, M. D. ...	Assistant Surgeon	Medical Estt. ...	...	13th Nov. 1863.	Will	141 10 9	... ...	141 10 9						
11th " "	(d) Samuel Rogers	Captain ...	Late 73rd N. I. ...	...	27th Feb. 1864	Intestate	671 13 7	... ...	671 13 7						
13th " "	(e) Richard Spencer	Riding Master	5th Light Cavalry ...	...	19th Oct. 1856	Ditto	767 9 2	... ...	767 9 2						
" "	(f) Vernon James Hodson ...	Lieutenant	Late 4th E. Lt. Cavy., doing duty with 17th Bengal Cavy.	...	27th Nov. 1863	Ditto	328 11 7	... ...	328 11 7						
19th " "	(g) John Paton Davidson ...	Captain ...	Bengal Staff Corps, 1st P. I.	...	13th ditto	Ditto	61 7 5	... ...	61 7 5						
20th " "	(h) George Whittall Harding..	Major in Bombay Staff Corps	Comdt., 22nd Regt., N. I.	...	6th ditto	Testate	3,011 3 7	... ...	3,011 3 7						
26th " "	(i) James Hill	Conductor ..	Ordnance Dept. ...	...	13th June 1859	Ditto	1,372 1 0	... ...	1,372 1 0						
" "	(j) Hastings Broughton Impey	Major ...	Late 70th Regt., N. I., Dupy. Comr., Sumbulpore	...	14th Decr. 1863	Intestate	1,611 15 2	... ...	1,611 15 2						
	Carried over, Co.'s Rs. ...	... ...	... ...	...	... ...	... ...	9,717 7 9	... ...	9,717 7 9						

(a) Son, James Hill.
(b) Next-of-kin, unknown.
(c) Next-of-kin, daughter, Chatherine Brown, residing with the deceased's mother, Mrs. Agnes Brown, at No. 8, Preston Terrace, Edinburgh, Scotland.
(d) Next-of-kin, daughter, Eliza Ann, residence, T. Marine Cottages, Hastings, England.
(e) Son, Ernest Richard Spencer, Liverpool.
(f) Next-of-kin, father, Revd. J. S. Hodson, D. D., 62 Great King's Street, Edinburgh.
(g) Next-of-kin, unknown.
(h) Legatees, daughters, Adeline Mary Harding and Elizabeth Fanny Harding.
(i) Son, James Hill.
(j) Two daughters and a son.

STATEMENT of Deposits made at the Presidency Pay Office.—Concluded.

Date of Deposit.	On whose account.	Rank.	Corps.	General number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in sterling.	Rate of Exchange.	Remarks.
							Rs. As. P.		Rs. As. P.						
	Brought forward ...	... ...	... ...	...	... ...	... ...	9,717 7 9	... ...	9,717 7 9						
26th May 1864	(k) J. H. Wright	Major ...	Madras Staff Corps, Ex. Engr., Dacca.	...	24th Augt. 1863	Testate ...	348 3 6	... ...	348 3 6						
23rd " "	(l) J. D. Nash	Captain ...	Invalid Estt. ...	...	26th Feb. 1864	Intestate	20 6 8	... ...	20 6 8						
28th " "	(m) Walter Landor Dickens ...	Lieutenant..	Late 26th Regt., Bengal N. I. D. O., 42nd Regt.	...	31st Decr. 1863	Intestate	27 11 9	... ...	27 11 9						
" "	(n) Joseph Rodrigues... ...	Hospital apprentice	Subordinate Medical Dept.	...	17th Jan. 1864	Ditto ..	49 7 7	... ...	49 7 7						
" "	(o) Robert Clifford	Lieutenant..	Bengal Staff Corps ...	...	25th Oct. 1863	Ditto ...	479 15 11	... ...	479 15 11						
	Non-Commissioned Officers & Soldiers.														
19th May 1864	(a) John Brown	Sergeant ...	Commissariat Dept...	...	17th Aug. 1863 ..	Intestate..	0 8 6	... ...	0 8 6						
" "	(b) William Warner ...	Private ...	Sap. and Miners ...	1343	16th Dec. 1862 ..	... ...	42 9 11	... ...	42 9 11						
26th " "	(c) Bernard Crosby ...	Troop Sergt. Major	21st Hussars ...	263	7th Aug. 1862...	Intestate..	105 1 8	... ...	105 1 8						
" "	(d) William Gibb ...	Sergeant ...	Sap. and Miners ...	...	12th June 1863...	Testate ...	20 2 2	... ...	20 2 2						
						Total Rs.	10,811 11 5		10,811 11 5						

(k) Widow, Sophia Anast Anah Wright, Dacca.
(l) Widow, Ellen Nash; three sons, John Lambert, George and William; and a daughter, Katherine Nash.
(m) Next-of-kin, father, Charles Dickens, Gad's Hill House, Rochester, Kent, England.
(n) Next-of-kin, mother, Mrs. Margaret James, No. 7, Moonshee Deedar Bux's Lane, Calcutta.
(o) Next-of-kin, mother, Mrs. Clifford, of Thomas' Town, County Kilkenney, Ireland.
(a) Next-of-kin, brother, Golzman Duntzes, Prussia.
(b) Next-of-kin, widow, in England.
(c) Widow and four children.
(d) Widow, Margaret Gibb.

FORT WILLIAM;
PAY OFFICE,
The 31st May 1864.

C. F. M. MUNDY, *Lieut. Col.*,
Presidency Pay-Master.

No. 493 *of* 1864.—The following orders, issued by the Resident at Hyderabad, are confirmed :—

No. 75, *dated* 13*th May* 1864.—Confirming the Regimental Order issued by the Officer Commanding the 3rd Infantry, Hyderabad Contingent, notifying that Lieutenant Dobbs, paid Doing-duty Officer, is to be considered as having acted as Adjutant, from the 8th to the 11th April 1864, pending the arrival of Captain Smith for whom Lieutenant and Officiating Adjutant Laughton officiated as second in Command.

No. 77, *dated* 14*th May* 1864.—Extending to the 31st May 1864 the preparatory leave absence granted to Captain R. A. Baker, Commandant, No. 2 Light Field Horse Battery, Hyderabad Contingent, in G. G. O. No. 292 of 1864.

No. 494 *of* 1864.—The following promotions are made in the undermentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
13th Bengal Cavalry ...	Naib Ressaldar Summund Khan	Ressaidar..	5th Feb. 1864..	Punjab Sing, deceased.
Ditto ..	Kote Duffadar Tiddeh Mahomed	Jemadar...	Ditto ...	Summund Khan, promoted.
26th Regt., Punjab N. I. ...	Havildar Mahomed Gool ...	Ditto ...	9th Feb. 1864 ..	Moreed Shah, discharged with gratuity.
28th Regt., Punjab N. I. ...	Jemadar Jooahir Sing ...	Subadar...	14th June 1864	Deen Mahomed, invalided.
Ditto ...	Jemadar Jug Sing ...	Ditto ...	13th Sept. 1862	Motee Sing, dismissed.
Ditto ...	Havildar Lainai Khan ...	Jemadar...	14th June 1861	Jooahir Sing, promoted.
Ditto ...	Havildar Peerbux Koordar Shah	Ditto ...	13th Sept. 1862	Jug Sing, promoted.

No. 495 *of* 1864.—The undermentioned Out-pensioner having been permitted to reside and draw his stipend at this Presidency, payment of pension is to be made and charged accordingly :—

	Rate of Pension per diem.
Sergeant Michael Walsh, an Out-pensioner of the Royal Hospital, at Chelsea, from Her Majesty's 8th Foot.	1*s.* 5½*d.* (one shilling, five and half-penny,) paid up to the 30th day of June 1864.

No. 496 *of* 1864.—In accordance with instructions received from the Right Hon'ble the Secretary of State for India, based upon representations made by the Secretary of State for War, the Right Hon'ble the Governor General in Council is pleased to direct the cancelment of paragraph 11 of G. G. O. No. 695 of 1863, which rules that soldiers who have received a bounty for volunteering will not be allowed their discharge, unless, in addition to any purchase money to be paid by them under the Regulations of the Service, they refund the rate of bounty laid down in the above-mentioned order for each year of service unexpired.

Hereafter soldiers receiving bounty for volunteering, under the provisions of G. G. O. No. 695, will sign an agreement drawn up in the following form :—

I having received, under the provisions of G. G. O. No. 695 of 1863, Rupees, bounty for volunteering, have done so on the condition that I cannot claim my discharge, unless, in addition to any purchase money which may be claimable from me, under the Regulations of the Service, I refund the rate of bounty laid down in paragraphs 9 and 10 of the General Order for each year of service unexpired.

(Signed)

This order is to have effect in the three Presidencies.

No. 497 *of* 1864.—The services of Lieutenant K. C. Pye, Royal Engineers, are placed, temporarily, at the disposal of the Public Works Department, with effect from the 23rd May 1864, and for such period as he may remain at Simla on the leave granted to him in General Order by the Commander-in-Chief, dated 29th April 1864.

The 14*th June* 1864.

No. 498 *of* 1864.—The Right Hon'ble the Governor General in Council is pleased to sanction the grant of subsistence allowance and other authorized privileges to the families of soldiers volunteering from Regiments going Home, who may, in their new Regiment, be in excess of the prescribed complement of twelve married men per cent. No further increase is, however, to be permitted in a Regiment until the proportion is reduced to twelve per cent., and the privilege is not to be extended

to families who might not have been in receipt of subsistence allowance in their former Regiments.

This order is to have effect in the three Presidencies.

No. 499 *of* 1864.—In supersession of G. G. O. No. 330 of 12th May 1863, His Excellency the Governor General in Council is pleased to direct the publication of the following Scale of pay and allowances for Quarter Masters of Royal Artillery serving in India, subject to the approval of the Right Hon'ble the Secretary of State. These rates of pay are to have retrospective effect from the date of the superseded Order.

In view to securing equality in the proportion of pay drawn by Quarter Masters of Horse Artillery with that drawn by Quarter Masters of Foot Artillery, the rates laid down in the following table give to all Quarter Masters the pay and allowances of a Lieutenant in their respective branch, with a uniform staff allowance of Rupees (85) eighty-five.

A similar rule is henceforward to be followed in calculating the pay and allowances (including staff) of Quarter Masters of British Cavalry Regiments, with effect from the date of this Order :—

Rates of Pay for Quarter Masters of Royal Artillery in India.

	Horse Artillery.			Field and Garrison Artillery.		
	On appointment, 10*s.* 6*d.*	After 10 years' service, 11*s.* 4*d.*	After 15 years' service, 12*s.*	On appointment, 7*s.* 10*d.*	After 10 years' service, 9*s.* 4*d.*	After 15 years' service, 10*s.*
Garrison Rate.						
English Pay ... (Pay and Allowances ...) ...	131 14 4	137 15 9	146 1 7	95 5 11	113 10 2	121 12 0
Half Batta ... (Pay and Allowances ...) ...	60 14 0	60 14 0	60 14 0	60 14 0	60 14 0	60 14 0
Gratuity ... (Pay and Allowances ...) ...	24 0 0	24 0 0	24 0 0	24 0 0	24 0 0	24 0 0
Tentage	50 0 0	50 0 0	50 0 0	50 0 0	50 0 0	50 0 0
House Rent	30 0 0	30 0 0	30 0 0	30 0 0	30 0 0	30 0 0
Horse Allowance	60 0 0	60 0 0	60 0 0	30 0 0	30 0 0	30 0 0
Office Allowance	55 0 0	55 0 0	55 0 0	55 0 0	55 0 0	55 0 0
Staff Salary	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
Office Rent	30 0 0	30 0 0	30 0 0	30 0 0	30 0 0	30 0 0
Total	441 12 4	447 13 9	455 15 7	375 3 11	393 8 2	401 10 0
Field Rate.						
English Pay ... (Pay and Allowances. ...) ...	131 14 4	137 15 0	146 1 7	95 5 11	113 10 2	121 12 0
Half Batta ... (Pay and Allowances. ...) ...	60 14 0	60 13 0	60 14 0	60 14 0	60 14 0	60 14 0
Gratuity ... (Pay and Allowances. ...) ...	24 0 0	24 0 0	24 0 0	24 0 0	24 0 0	24 0 0
Tentage	50 0 0	50 0 0	50 0 0	50 0 0	50 0 0	50 0 0
Extra Batta	60 14 0	60 14 0	60 14 0	60 14 0	60 14 0	60 14 0
Horse Allowance	60 0 0	60 0 0	60 0 0	30 0 0	30 0 0	30 0 0
Office Allowance	55 0 0	55 0 0	55 0 0	55 0 0	55 0 0	55 0 0
Staff Salary						
Office Rent	30 0 0	30 0 0	30 0 0	30 0 0	30 0 0	30 0 0
Total Rupees, ...	472 10 4	478 11 9	486 13 7	406 1 11	424 6 2	432 8 0

N. B.—The Horse Allowance is not granted to Quarter Masters of Garrison Brigades, except when marching or in the Field.

No. 500 *of* 1864.—With reference to G. G. O. No 717 of the 30th November 1863, His Excellency the Governor General in Council is pleased to confirm Assistant Surgeon W. B. Beatson, M. D., in the appointment of 1st Assistant Surgeon of the Presidency General Hospital, from the 21st December last.

No. 501 *of* 1864.—The following copy of a Military letter from the Right Hon'ble the Secretary of State for India, No. 115, dated 25th April 1864, is published for information and guidance, in continuation of G. G. O. No. 306 of the 30th April 1863:—

No. 115. INDIA OFFICE;
MILITARY. *London, the 25th April* 1864.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have received and considered in Council the correspondence (forwarded with paragraph 1 of your letter of the 22nd February last) relating to the grant of the allowance of £5, in lieu of furlough, to men whose Regiments are under orders to return home.

No. 79.

2. In my Despatch of the 25th March 1863, No. 115, I informed you that this allowance was not issuable to men who re-engage while their Regiments are under orders to return home.

3. The Military Finance Department have suggested that, as five Regiments of Infantry are to be relieved annually, the first five on the roster should be considered as under orders for home, but you are of opinion with His Excellency the Commander-in-Chief, that the furlough bounty should be passed to all men who re-engage before their Regiments receive official intimation that they are to return home.

4. In this opinion I concur.

5. With regard to the other questions contained in the paragraph of your Despatch, I consider that the allowance, in question, may be granted to the two classes of men referred to, viz., to men belonging to Regiments under orders for home who re-engage for other Regiments remaining in India, and to men similarly circumstanced who re-engage into their own corps, but, when the latter leave India, volunteer into Regiments remaining in that country.

6. In both of these cases, the payment of the £5 should be made in arrears after the volunteering.

I have, &c.,

(Sd.) C. WOOD.

The 16th June 1864.

No. 502 *of* 1864.—Lieutenant Henry Octavius Currie, of the Cadre of the late 5th European Regiment, is permitted to resign the service, with effect from the 1st March 1864; that Officer having been appointed Pay-Master of Her Majesty's 19th Hussars.

No. 503 *of* 1864.—The undermentioned Student of the Military Class, attached to the Medical College, having been reported qualified to serve as Native Doctor, is admitted into the service accordingly, with effect from the 27th May 1864, and placed at the disposal of the Principal Inspector General, Medical Department:—

Shaikh Abdulla.

No. 504 *of* 1864.—Gunner D. Bowers, of the Artillery Company, European Invalid Battalion, admitted to pension in G. G. O. No. 376 of the 29th April 1864, is permitted to reside and draw his stipend in India, instead of in Europe, as previously authorized.

The 17th June 1864.

No. 505 *of* 1864.—The following Extract from the London *Gazette* of the 29th April 1864, is published for general information:—

INDIA OFFICE,
The 29th April 1864.

Her Majesty has been pleased to approve of the following promotions and alterations of rank amongst the Officers of the Staff Corps and of Her Majesty's Indian Forces:—

BENGAL STAFF CORPS.

To be Majors.

Captain Thomas Staples, dated 27th January 1864.

Captain Henry Alexander Taylor, dated 3rd February 1864.

Captain John Smith, dated 13th February 1864.

To be Captains.

Lieutenant Dacres William Wise, dated 6th December 1864.

Lieutenant Evelyn Pulteney Gurdon, dated 20th January 1864.

BENGAL ARMY.—PROMOTIONS.

Late 4th Cavalry.

Lieutenant Henry Muirson Caulfeild, to be Captain, vice Barlow, transferred to 88th Foot, dated 17th November 1864.

Late 5th Cavalry.

Lieutenant Alexander Shepherd, to be Captain, vice Grant, (Staff Corps), transferred to 90th Foot, dated 17th November 1863.

Lieutenant Samuel Boulderson, to be Captain, vice Durrant, transferred to 8th Foot, dated 17th November 1863.

Late 70th Native Infantry.

Lieutenant (Brevet Captain) Robert Cony Whiting, to be Captain, vice Impey, (Staff Corps), deceased, dated 15th December 1863.

General List of Cavalry Officers.

Cornet Silas Adair Swinley, to be Lieutenant, vice Hodgson, late 4th Cavalry, deceased, dated 28th December 1863.

General List of Infantry Officers.

Ensign Alexander Jeffry Nicholson, to be Lieutenant, in succession to Fenwick, late 5th European Regiment, deceased, dated 26th November 1863.

Ensign Archibald Cuthbert Bigg-Wither, to be Lieutenant, vice Hibbert, late 35th Native Infantry, transferred to the 24th Foot, dated 1st December 1863.

Ensign Henry John Lawrence, to be Lieutenant, vice Norton, General List, removed from the service, dated 14th December 1863.

Ensign William Loch, to be Lieutenant, in succession to Impey, late 70th Native Infantry, (Staff Corps), deceased, dated 15th December 1863.

Ensign Richmond Shakespear, to be Lieutenant, in succession to Alexander, late 35th Native Infantry, (Staff Corps), killed in action, dated 17th December 1863.

Ensign Binfield Wemyss, to be Lieutenant, in succession to Wallace, late 74th Native Infantry, retired, dated 30th December 1863.

Ensign Robert William Napier, to be Lieutenant, vice Dickens, late 26th Native Infantry, deceased, dated 1st January 1864.

Ensign Frederick Mills Malet Harris, to be Lieutenant, vice Boyd, General List, deceased, dated 1st January 1864.

Ensign Allan Scott Roberts, to be Lieutenant, vice Shaw, late 2nd Native Infantry, struck off the strength of the Army, dated 13th January 1864.

Ensign Stephen Hotham, to be Lieutenant, in succession to Stewart, 45th Native Infantry, (Staff Corps), deceased, dated 14th January 1864.

ALTERATIONS OF RANK.

General List of Infantry Officers.

The undermentioned Officers to take rank from the date specified, viz. :—

Lieutenant Arthur Benjamin Clare, from the 14th November 1863.

Lieutenant George Campbell Napier, from the 17th November 1863.

Lieutenant William Hope Meiklejohn, from the 18th November 1863.

Lieutenant Walter Jones, from the 19th November 1863.

BOMBAY STAFF CORPS.—PROMOTIONS.

To be Major.

Captain Alexander Young Shortt, dated 1st February 1864.

To be Captain.

Lieutenant Frederick Johnson Stubbs, to be Captain, dated 20th January 1864.

ALTERATION OF RANK.

Captain Charles Matthew Lewis, to take rank from 8th February 1863.

H. W. NORMAN, *Col.*, R. E.
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 154.

ESTABLISHMENT.

Simla, the 10th June 1864.

Notification.— Mr. F. Marshall, Executive Engineer, 3rd Division, Oudh Roads, availed himself, on the 16th May 1864, of the month's privilege leave granted him in Notification No. 125, dated 12th May.

No. 155.

The 11th June 1864.

Transfer.—Baboo Radhica Narain Ghose, 2nd Class Assistant Engineer, Berar Division, is transferred from Hyderabad to the Central Provinces.

No. 156.

The 13th June 1864.

Appointment.—The undermentioned passed Student of the 2nd Department of the Thomason College, Roorkee, is appointed to the Public Works Department, as a Probationary Assistant Overseer, and posted to the Central Provinces, with directions to report himself to the Executive Engineer, Jubbulpore :—

Mr. J. Redmond.

No. 157.

Notification.—Lieutenant Colonel C. H. Dickens, R. A., assumed charge of his office, as Chief Engineer and Secretary to the Chief Commissioner, Central Provinces, in the Public Works Department, on the forenoon of the 30th May.

No. 158.

The 14th June 1864.

Appointment.—Lance Sergeant P. Kelly, D. Battery, 5th Royal Horse Brigade, and Baboo Saut Cowry Mitter, having passed the prescribed examination, the former at the Thomason College, and the latter at the Calcutta Civil Engineering College, are appointed to the Public Works Department, in the grade of Probationary Assistant Overseer, and posted to British Burmah.

No. 159.

Transfer.—Mr. Assistant Supervisor T. O. Hunt is transferred from Bengal to the Central Provinces.

No. 160.

The 15th June 1864.

Leave of Absence.—Leave of absence, on sick certificate, in continuation of six weeks' preparatory leave, notified in the *Punjab Gazette*, (No. 6734, dated 6th April 1864,) is granted to Lieutenant A. C. Padday, R. E., Assistant Engineer, 2nd

Class, 1st Division Baree Doab Canal, till the 3rd June 1864, or date of sailing of the French Steamer *Alphee*.

No. 1.

RAILWAY.

Notifications.—Whereas it appears to His Excellency the Governor General in Council that land is required to be taken up by Government at the public expense for a public purpose, viz., for the construction of a Railway from Lucknow to Cawnpore, it is hereby notified that, for the above purpose, the following land will be appropriated :—

2. A strip of land from 100 to 300 feet in width, more or less, for a line of about 48 miles, in the Districts of Lucknow and Oonao, extending from the vicinity of the city of Lucknow to the River Ganges near Cawnpore.

3. This declaration is made under Section II., Act VI. of 1857.

No. 2.

Whereas it appears to His Excellency the Governor General in Council that land is required to be taken up by Government at the public expense for a public purpose, viz., for the construction of a main line of Railway between the Lucknow and Byramghat Road and the South-East boundary of Oudh, it is hereby notified that, for the above purpose, the following land will be appropriated :—

2. A strip of land about 111 miles in length and from 100 to 300 feet in width, more or less, commencing at a point on the Lucknow and Byramghat Road, near the 32nd Milestone, between the villages of Mulleamow and Dilserai, running in a South-Easterly direction, passing about one mile North of the town of Durriabad, crossing the Lucknow and Fyzabad Road between the villages of Moozufferpoor and Peerserai, the Roy Bareilly and Fyzabad Road near the village of Meelagaon, and the Sultanpoor and Fyzabad Road a little to the North of the village of Tendooa, striking the boundary between the Province of Oudh and District of Azimgurh near the village Mudhoopoor.

3. This declaration is made under Section II., Act VI. of 1857.

No. 3.

Whereas it appears to His Excellency the Governor General in Council that land is required to be taken up by Government at the public expense for a public purpose, viz., for the construction of a branch line of Railway to Lucknow, from the neighbourhood of the village of Dilserai, on the Lucknow and Byramghat Road, it is hereby notified that, for the above purpose, the following land will be appropriated :—

2. A strip of land in the Districts of Lucknow and Durriabad, about 29 miles in length and from 100 to 300 feet in width, commencing near Lucknow and running in a North-Easterly direction viâ Nawabgung Station to Dilserai.

3. This declaration is made under Section II., Act VI. of 1857.

R. STRACHEY, *Col.*, R. E.
Secy. to the Govt. of India.

ADVERTISEMENTS.

LOST OR STOLEN

In transit through the Post Office, in April last, 2nd halves of two Notes—namely,

Bank of Bengal Note, August 31st, 1857 ... } A 28422 for Rs. 10.

Government of India Note ... ... } A 10 15176 for Rs. 20.

Payment of which has been stopped at the Bank of Bengal.

L. PIESSE.

132, *Dhurrumtollah, Calcutta.*

Just Published.

The Bengal Ryots; their Rights and Liabilities:

Containing a complete Exposition of the Law of Landlord and Tenant, illustrated by the History and Principles of Legislation on the subject, and the rulings and opinions of the highest Judicial and other Authorities. The recent important Decisions of the High Court will be found fully discussed in the work. 8vo. cloth ... Rs. 3 8

CALCUTTA :

P. S. D'ROZARIO & Co.

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POSTAL NOTICE.

The Public are hereby informed that, under an arrangement made by Her Majesty's Post Master General, letters posted in India for Venezuela will, if marked viâ Southampton, be liable to the undermentioned rates of postage :—

	Rs.	As.	P.
Letters not exceeding ½ oz. ...	0	11	4
Ditto exceeding ½ oz. and not exceeding 1 oz.	1	6	8
Ditto above 1 oz. and not exceeding 2 ozs.	2	13	4
Ditto above 2 ozs. and not exceeding 3 ozs.	4	4	0

and so on, adding Rs. 1-6-8 for each ounce or fraction of an ounce.

Letters for the above place, if sent viâ Marseilles, will of course be liable to the additional French transit rate of 2 annas 8 pie per ½ oz.

A. M. MONTEATH,
In charge of the Office of Dir. Genl. of the Post Office of India.

CALCUTTA, 11*th May* 1864.

THE *GAZETTE OF INDIA.*

During the absence from Calcutta of the Members of the Government of India, or until further orders, the *Gazette of India* will be published at Simla. All communications, therefore, regarding the *Gazette* should be addressed to that Station.

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 25.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, JUNE 18, 1864.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

PUBLIC WORKS DEPARTMENT.

Platelaying in the Delhi District.

Progress Report of Platelaying, dated 30th April 1864.

Station.	Total distance.	Linked in	Completed	REMARKS.
	Miles.	Miles.	Miles.	
End of Agra District to Allyghur Station	3·79	3·79	3·79	
Allyghur to Somna	13·68	13·68	13·68	
Somna to Koorjah	13·24	13·24	13·24	
[illegible]h to Bolundshuhur Road	8·87	8·87	8·87	
[illegible]huhur Road to Secunderabad...	8·68	8·68	8·68	
[illegible]bad to Dadree	11·10	11·10	11·10	
Dadre[illegible] Gazeeoodeennuggur Junction	10·17	10·17	10·17	
Gaz[illegible]ennuggur Junction to Delhi Terminus ...	12·55	6·25	4·55	
Total ...	82·08	75·78	74·08	
Sidings ...	12·92	4·93	4·93	
Grand Total ...	95·00	80·71	79·01	

G. SI[illegible]LEY,
Chief Engineer.

Government of Fort St. George.

Cinchona Operations on the Neilgherries.

Report on the Number, Distribution, and Condition of Chinchona Plants on the Neilgherries on the 30th April 1864.

Species.	Botanical names.	Commercial names.	No. of plants.	Value of lb. of Dry Bark in the London Market.	REMARKS.
				s. d. s. d.	
1	C. Succirubra ...	Red Bark ...	91,046	2 6 to 8 9	The weather being favorable, planting operations have been commenced, the number of plants planted out on the plantations during the month is 52,300, making the total 1,18,922. The increase by propagation is 28,988, being 9,737 plants above the average of the last six months, making the total number of plants at the end of the month 3,51,125.
2	C. Calisaya ...	Yellow Bark ...	1,993	2 10 to 7 0	
3	C. Officinalis VarCondaminea (C. Uritusinga)	Original Loxa Bark	3,448	2 10 to 7 0	
4	Do. Var Bonplandiana (C. Chahuarguera)	Select Crown Bark	2,27,195	2 10 to 7 0	
5	C. Crespilla ...	Fine Grey Bark ...	1,728	2 10 to 6 0	
6	C. Lancifolia ...	Pitayo Bark ...	8	1 8 to 2 10	
7	C. Nitida ...	Genuine Grey Bark	8,425	1 8 to 2 9	
8	C. Species without name. ..	Fine Bark ...	2,769	1 8 to 2 10	
9	C. Micrantha ...	Grey Bark ...	10,913	1 8 to 2 9	
10	C. Peruviana ...	Finest Grey Bark...	3,175	1 8 to 2 10	
11	C. Pahudiana ...	Unknown ...	425	Unknown.	
		Total number of plants ...	3,51,125		

TABLE II.

Memorandum of the growth of eleven plants of C. Succirubra planted on the 2nd Denison Plantation, at Neddivuttum, on the 30th August 1862.

No. of plants.	Heights in inches when planted on the 30th August 1862.	Height in inches on the 31st March 1864.	Height in inches on the 30th April 1864.	Growth in inches during April 1864.	By whom planted.	REMARKS.
No. 1	23	94	97	3	His Excellency Sir W. Denison.	Table II exhibits the growth of 11 plants of C. Succirubra planted out by His Excellency the Governor and other gentlemen at Neddivuttum on the 30th August 1862. The average growth of these plants during the month is about 1¼ inches, or the same as last month.
„ 2	16½	88	89	1		
„ 3	19	85	85½	0½		
„ 4	15	87¾	88½	0¾		
„ 5	27	102½	104	1½		
„ 6	20	75	76	1		
No. 7	20	93	95	2	J. W. Brooks, Esq.	
„ 8	18	91	92	1	Dr. Sanderson,	
„ 9	20	91	92	1	J. D. Sim, Esq.	
„ 10	20	98	100	2	Lieutenant McLeod.	
„ 11	18	88	88½	0½	P. Grant, Esq.	
„ 12	0	30	31½	1½	Plant cut down for bark.	

TABLE III.

Showing the height of twelve plants of C. Officinalis planted on the Dodabetta Plantation, at Ootacamund, on the 30th September 1863.

No. of plants.	Height in inches when planted on the 30th September 1863.	Height in inches on the 31st March 1864.	Height in inches on the 30th April 1864.	Growth in inches during April 1864.	REMARKS.
No. 1	19	38	41½	3½	One of the two plants cut down on the 20th of March 1863 for the bark submitted to Mr. Howard for analysis, has made strong shoots of 31¼ inches in height, giving the growth of 1¼ inches during the month.
„ 2	14½	30½	34	3½	
„ 3	28	48½	51	2½	
„ 4	22	40½	44	3½	
„ 5	21½	37½	40½	3	The twelve plants of Chinchona Officinalis (a shrubby species) on the Dodabetta plantation gives an avetage growth of 3¼ inches, or the same as last month.
„ 6	28	48	51	3	
„ 7	22½	39	43	4	
„ 8	21½	42	45½	3½	
„ 9	21½	44	47½	3½	
„ 10	19½	42	46½	4½	
„ 11	24	42	46	4	
„ 12	24	40½	44½	4	

FOREIGN DEPARTMENT.

No. 104.

JUDICIAL.

Simla, the 22nd June 1864.

Notifications.—Mr. H. W. Gibson, Assistant Commissioner, 3rd Class, in Oudh, is invested with the powers of a Subordinate Magistrate of the 1st Class, and with the special powers of an Assistant Commissioner in the Civil and Revenue Departments.

No. 106.

Lieutenant G. A. A. Warner, Officiating Deputy Commissioner of Baitool, in the Central Provinces, is invested with the powers described in Section 1 of Act XV of 1862.

No. 116.

REVENUE.

Notification.—Mr. E. G. Young, Assistant Patrol, Seonee Customs, Central Provinces, is promoted from the 2nd to the 1st Grade, with effect from the 5th April last.

No. 173.

POLITICAL.

The 18th June 1864.

Notifications.—His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. Hoo-Ah-Kay, surnamed Whampoa, as Russian Vice-Consul at Singapore.

No. 175.

The 20th June 1864.

Mr. James Bulloch, Consul for His Majesty the King of Belgium, and Consular Agent for the United States of America, at Akyab, reported his departure, for Europe, on the 15th April last, making over charge of the above offices, *ad interim*, to Mr. John Halliday, Junior, pending the arrival of Mr. James Dickie.

Mr. William Strang Steel, Consul for His Majesty the King of the Netherlands, at Rangoon, and for the Province of Pegu, reported his departure, for Europe, on the 28th May, making over charge of the duties of his office to Mr. James Black.

Mr. Steel also made over charge of the office of Vice-Consul, at Rangoon, for His Majesty the King of Denmark, on the same day, to Mr. James Black.

No. 185.

The 22nd June 1864.

Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. James Black as Acting Vice-Consul for His Majesty the King of Demnark, at Rangoon, during the absence of Mr. W. S. Steel.

No. 186.

Erratum.—In the G. O., dated the 14th Instant, No. 156, proclaiming the transfer of Nimar to the Central Provinces, for 1*st June* read 1*st May*.

No. 476.

GENERAL.

The 18th June 1864.

Notifications.—Major S. C. D. Ryder, officiated as Cantonment Joint Magistrate of Jubbulpore and Superintendent of the Sudder Bazar, from 21st December 1862 to 2nd February 1863, during the absence, on leave, of Major Magniac.

No. 478.

Mr. C. Lindsay, Settlement Officer of Hurdui, in Oudh, was left at Sea by the Pilot, on board the *Rangoon*, on the 24th Ultimo.

No. 494.

The 22nd June 1864.

His Excellency the Viceroy and Governor General in Council is pleased to appoint Lieutenant J. Low, Junior Squadron Officer, 1st Regiment, Central India Horse, to be an Assistant Commissioner of the 3rd Class, in Oudh.

No. 497.

The services of 3rd Grade Sub-Assistant Surgeon Kally Doss Bose are placed at the disposal of the Punjab Government for appointment to the Delhi Dispensary.

No. 500.

Major R. Renton, Commanding the Detachment at Mysore, returned to duty on the 13th May, from the one month's privilege leave granted him in G. O. No. 126, dated 12th Idem.

No. 502.

The Reverend Dr. J. J. Carshore, Chaplain of Seetapore, in Oudh, has obtained one month's privilege leave of absence, from the date on which he may avail himself of it.

No. 504.

Major J. Kavanagh, Assistant Superintendent of Settlement and Survey, in Oudh, has obtained privilege leave of absence for one month, from the 18th Instant, or from such subsequent date as he may avail himself of it.

No. 506.

Dr. F. Barlow, Civil Surgeon of Prome, in British Burmah, has obtained one month's leave of absence, on medical certificate, from the 16th April last.

Dr. Barlow returned to his duty on the forenoon of the 15th ultimo.

No. 508.

1st Class Native Doctor Shaikh Abdool Rohim, doing duty with the 31st Regiment, Native Infantry, is appointed to Akyab, in the room of 3rd Class Native Doctor Meer Hurramut Hoosein.

No. 511.

Mr. J. H. Master, of the Madras Civil Service, and Deputy Commissioner, 2nd Class, in the Central Provinces, availed himself of the preparatory leave granted to him in G. O. No. 655, dated 14th March last, on the 11th Idem, and embarked at Madras, for Europe, on the 14th April 1864.

C. U. AITCHISON,
Under-Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 542.

Simla, the 21st June 1864.

Extract from the Proceedings of the Government of India, in the Financial Department, Simla, under date the 4th June 1864.

Read an endorsement from the Accountant General, Public Works Department, No. 73, dated 18th instant, inquiring whether, in addition to the leaves mentioned in the Absentee Rules, Local Governments have power to grant to Uncovenanted Servants leave of absence, on private affairs, without pay and without the privilege of reckoning the period of such absence, as service.

RESOLUTION.—His Excellency the Governor General in Council considers that the Leave Rules do not debar Local Governments from permitting an Uncovenanted Servant, for good reasons, to be absent without pay and with forfeiture of the time for which he is absent, and allowing him on his return to resume charge of his appointment.

ORDER.—Ordered that a copy of the foregoing Resolution be forwarded to the Accountant General, Public Works Department, and to the Foreign, Home, Military, and Public Works Departments; as also, to Governments of Bengal, Madras, Bombay, North-Western Provinces, Punjab, and the Straits Settlements; the Civil Pay-Masters, Bengal, Madras, Bombay, North-Western Provinces, and Punjab being also furnished with a copy each.

(A true Extract.)

(Sd.) E. H. LUSHINGTON,
Secy. to the Govt. of India.

ORDERED that the above be published in the *Gazette of India.*

By order of His Excellency the Governor General in Council.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

No. 972.

The 22nd June 1864.

Notification.—The services of Mr. H. C. Sutherland, C. S., late on special duty, in British Burmah, are replaced at the disposal of the Government of Bengal.

Appointment.—Mr. E. F. Harrison is deputed to act as Deputy Auditor and Accountant General and Civil Pay-Master for British Burmah.

By order of the Governor General in Council.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 20th June 1864.

No. 506 *of* 1864.—The services of Assistant Surgeon S. T. Heard, M. D., of the Madras Establishment, are placed at the disposal of the Foreign Department.

No. 507 *of* 1864.—The following transcript of a Military letter from the Right Hon'ble the Secretary of State for India, No. 152, dated 16th May 1864, is published for general information:—

MILITARY. INDIA OFFICE;
No. 152. *London, the 16th May* 1864.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—Paragraph 1. In connection with the subject of the reorganization of the Medical Service in India, Her Majesty's Government have, for some time past, had under consideration the present state and future prospects of the Indian Medical Service in regard to promotion, and the system of payment to the Medical Officers of the Indian Army and those of the British Army serving in that country.

2. A final decision upon the arrangements connected with the future provision of Medical Officers for service in India has been delayed from unforeseen and unavoidable causes, but will be communicated to you very shortly.

3. In the mean time, Her Majesty's Government have determined upon the adoption of certain measures affecting the interest of the present service, in regard both to pay and promotion.

4. It has been found by experience that the promotion to the rank of Surgeon in the Indian service has been much slower than the same in the British service, and although this is in a great measure attributable to augmentations that have been made of late years in the latter, the difference, therefore, being in a measure temporary, it may in some degree be attributed to the difference which has hitherto existed in the relative numbers of the two grades in the two cases. In the British Medical Department I find the proportion which the Assistant Surgeons bear to the senior grades is as 641 to 355, while in the Indian service it has been hitherto,—

In Bengal as	285	to	140
Madras „	167	„	76
Bombay „	137	„	56

5. To carry out the assimilation in this respect would require, therefore, the promotion of Assistant Surgeons in India to the following extent:—

In Bengal	12
Madras	10
Bombay	13

6. You are authorized to make these promotions from the date of the receipt of this Despatch. The establishment of Medical Officers above the rank of Assistant Surgeon in the three Presidencies will, so long as there are Officers enough remaining on the old lists to complete these numbers, be fixed,—

In Bengal	152
Madras	86
Bombay	69

7. With a view of removing all cause of complaint and misunderstanding, on the part of the Officers of the Indian Medical Service, on the subject of their promotion to the rank of Surgeon-Major, under the Royal Warrant of 13th January 1860, Her Majesty's Government have determined to give retrospective effect to that Warrant, and to cause all promotions made under its authority to be dated from the 1st October 1858, being the date of the Royal Warrant for the British Medical Department, and it has been further determined to modify the instructions conveyed to you in my Despatches, No. 397, dated 31st October 1860, and No. 386, dated 30th September 1861, and to permit the period of service, qualifying Surgeons for the rank of Surgeon Major under that Warrant, to be calculated from date of first commission, including all leave of absence of whatever kind.

8. It has been further resolved that the following change in the mode of payment of Officers serving in India, whether of the British or Indian Medical Department, shall be introduced from the date of the receipt of this Despatch.

9. From that date, the allowance of head money, as well as that for medical charge of British regiments and brigades, will be discontinued, excepting in the case of Assistant Surgeons, who will receive, while in actual charge of British regiments or brigades of Artillery, a special allowance of Rupees 150 per mensem in addition to their pay.

10. The following will be the rate of pay for Officers of the several grades in the Medical Department, below that of Inspector and Deputy Inspector General, who receive special salaries, whether belonging to the British or the local service:—

Rank.	Years' Service.	Relative Rank.	Half Batta.			Full Batta.		
			Rs.	*As.*	*P.*	*Rs.*	*As.*	*P.*
Surgeon Major	25	Lieut. Colonel ...	888	12	0	1,093	2	0
Ditto	20	Ditto	852	3	7	1,056	9	7
Surgeon	15	Major	677	6	11	825	11	5
Ditto	10	Ditto	640	14	6	789	3	0
Assistant Surgeon	10	Captain	410	9	5	451	14	5
Ditto	6	Ditto	392	5	2	433	10	2
Ditto	5	Lieutenant ...	304	14	2	335	12	2
Ditto	under	Ditto	286	10	0	317	8	0

11. Surgeons of Her Majesty's Service, not being Surgeon Majors, who may be in medical charge of Regiments or Brigades at the date of publication of the order, will not be affected by this rule, but will continue to receive their pay and allowances while attached to such regiments as heretofore.

12. Officers of the British Medical Department attached to Brigades of Horse Artillery and Regiments of British Cavalry will draw, in addition to the rate of pay above laid down, horse allowance at the following rate:—

Rank.	Years' Service.	Relative Rank.	Additional Horse Allowance, when attached to a British Cavalry Regiment.
Surgeon Major ...	25	Lieutenant Colonel ...	Rupees 90 per mensem.
Ditto ...	20	ditto ..	
Surgeon ...	15	Major ...	
Ditto ...	10	ditto ...	
Assistant Surgeon ...	10	Captain ...	
Ditto ...	6	ditto ...	
Ditto ...	5	Lieutenant ...	Rupees 60 per mensem.
Ditto ...	under 5	ditto ...	

13. Officers of the Indian Medical Service will receive pay, while on furlough in Europe, according to the following scale :—

RANK.	After 30 Years' Service on Full Pay.	After 25 Years' Service on Full Pay.	After 20 Years' Service on Full Pay.	After 15 Years' Service on Full Pay.	After 12 Years' Service on Full Pay.	After 10 Years' Service on Full Pay.	After 5 Years' Service on Full Pay.	Under 5 Years' Service on Full Pay.
	£ s. d.	£ s. d.	£ s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Inspector General ...	2 5 0	2 5 0	*2 0 0					
Deputy Inspector General ...	1 14 0	1 10 0	*1 8 0					
Surgeon Major ...	...	1 5 0	1 2 0					
Surgeon ...	...	...	...	18 0	15 0			
Assistant Surgeon ...	...	...	...	...	...	13 0	11 6	10 0

* Or on promotion, should these periods of service not be already completed.

14. The rule regarding pension, at present applicable to the Officers of the Indian Medical Service, will remain in force with the following modification :—

15. Officers compelled to leave the service on account of ill health, and entitled to half pay pension under present Regulations, will be allowed the half pay of their ralative rank, as laid down in the Royal Warrant, dated the 1st October 1858. This rule will apply to all Officers retiring upon half pay pension from a date subsequent to the receipt of this Despatch.

16. Pending a further communication upon the subject of the Medical Service in India, Officers of the British or Indian Medical Service holding staff appointments, the salaries of which are consolidated, will continue to draw their salaries as at present; and all Officers of the Indian Medical Department in the receipt of staff salaries, including such as are in medical charge of Native Regiments, will continue to draw the aggregate amount of pay and staff allowances they now receive, provided it be not less than the rate of pay laid down in the above Table for Officers of their rank and standing in the service.

17. In communicating to the Secretary of State for War the proposal to adopt the above modification, in the mode of payment of British Medical Officers in India, I expressed an opinion that, considering the extent to which the strength of regiments of British Infantry had been lately reduced, the number of Assistant Surgeons with their corps might, with propriety, be reduced from three to two, the reserve of Medical Officers of the British Army, which it is proposed to maintain to meet the demands of the British Army in India generally, being so calculated as to ensure at least that number of Officers being at all times available with each regiment.

18. The Secretary of State for War has consented to this reduction, upon the understanding that it shall be considered an experimental arrangement, and that the Staff Assistant Surgeons constituting the reserve shall be considered as forming part of the Medical Staff at the disposal of the Military authorities.

19. The establishment of Staff Surgeons and Assistant Surgeons of Her Majesty's service at present allowed is as follows :—

1 Inspector General of Hospitals.
4 Deputy do. do.
10 Staff Surgeons.
30 Staff Assistant Surgeons.

20. You will consider and report at an early date whether this number of Assistant Surgeons will suffice, under the present arrangement, to ensure the constant supply of two Assistant Surgeons to the whole of Her Majesty's Regiments, or what increase may be required for that purpose.

I have, &c.,

(Sd.) CHARLES WOOD.

No. 508 *of* 1864.—The Despatch published in the foregoing order having been received at Simla on the 15th Instant, the change in the mode of payment, of Medical Officers serving in India, directed in paragraph 8, will come into effect from that date.

2. The Governments of Madras and Bombay will be pleased to make the promotions, authorized in paragraphs 5 and 6 of the Despatch of the Secretary of State, with effect from the 15th June 1864, and those Goverments will be further pleased to make the alterations of rank in the grade of Surgeon Major, rendered necessary by paragraph 7 of the Despatch.

3. Rolls of promotions and alterations of rank, rendered necessary in Bengal, will be submitted by His Excellency the Commander-in-Chief in India, to Government, as soon as may be practicable.

No. 509 *of* 1864.—With reference to paragraph 10 of the Despatch published in G. O. No. 507, His Excellency the Governor General in Council is pleased to direct, pending further orders from the Secretary of State, that Inspectors General or Deputy Inspectors General of Hospitals in India, when not in receipt of the allowances of those appointments, shall draw pay at the rates laid down

for a Surgeon Major, of twenty or twenty-five years' service, respectively, according to their length of service.

2. With reference to paragraph 12 of the same Despatch, His Excellency in Council is pleased to direct that, until further orders, Rupees 60 per mensem shall be passed as horse allowance to Medical Officers serving with Regiments of Native Cavalry, in addition to the pay laid down in paragraph 10 of the Despatch.

No. 510 *of* 1864.—The following copy of a Despatch from the Right Hon'ble the Secretary of State for India, is published for general information :—

MILITARY. INDIA OFFICE;

No. 142. *London, the 16th May* 1864.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—With reference to paragraph 5 of your letter No. 283, dated 3rd October last, regarding the Pay Certificates of British Officers on leaving India on furlough, I forward, herewith, two forms of certificate, which have been concurred in by the Secretary of State for War, and request that they may be made applicable to all the Presidencies.

I have, &c.,

(Sd.) C. WOOD.

The 21st June 1864.

No. 511 *of* 1864.—The undermentioned Officer, having completed five years' service as Brevet Lieutenant Colonel, to be Colonel in the Army, from the date specified opposite to his name, under the operation of Clause 8 of the Royal Warrant, dated 31st January 1859, published in G. G. O. No. 740, dated 20th May 1859, and of G. G. O. No. 11 of 1863, and Nos. 117 and 118 of 1864 :—

BREVET.

To be Colonel in the Army.

Major and Brevet Lieutenant Colonel Charles Cureton, of the Bengal Staff Corps.	26th April 1864.

No. 512 *of* 1864.—The undermentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Surgeon D. H. Small, of the Medical Department, in medical charge of the Ajmere and Mhairwarra Police Corps, on furlough for two years, G. G. O. No. 128 of the 15th February 1864.	*Malta*, 29th February 1864, from Bombay.
Lieutenant Colonel J. C. Brooke, of the Bengal Staff Corps, Political Agent, Jeypore, on leave for twenty months, G. G. O. No. 382 of the 29th April 1864.	*Malta*, 14th April 1864, from Bombay.
Lieutenant M. W. Gataker, of the Bengal Staff Corps, Adjutant of the 40th (the Shajehanpore) Regiment, Native Infantry, on leave for twenty months, G. G. O. No. 345 of the 15th April 1864.	*Golconda*, 24th April 1864.
Lieutenant Colonel E. J. Rickards, of the Bengal Staff Corps, Commanding Ajmere and Mhairwarra Police Corps, on leave for twenty months, G. G. O. No. 436 of the 19th May 1864.	*Salsette*, 29th April 1864, from Bombay.
Surgeon Major T. S. Lacy, of the Medical Department, Garrison Surgeon, Agra, on leave for twenty months, G. G. O. No. 379 of the 29th April 1864.	
Captain T. W. R. Boisragon, of the Bengal Staff Corps, Commanding 30th (Punjab) Regiment, Native Infantry, on leave for twenty months, G. G. O. No. 379 of the 29th April 1864.	*Alphie*, 4th May 1864.
Lieutenant J. B. Brander, of the late 37th Regiment, Native Infantry, on leave for eighteen months, G. G. O. No. 370 of the 29th April 1864.	
Conductor A. Connell, Supervisor, Fyzabad Division, Department Public Works, on furlough for three years, G. G. O. No. 348 of the 15th April 1864.	*Star of Erin*, 9th May 1864.
Major General J. MacDuff, C. B., of Her Majesty's Service, Commanding Oude Division, on leave for six months, G. G. O. No. 358 of the 15th April 1864.	*Simla*, 10th May 1864.
Assistant Surgeon J. Ewart, M. D., of the Medical Department, Professor in the Medical College, on leave for twenty months, G. G. O. No. 370 of the 29th April 1864.	
Surgeon J. Lee, M. D., of the Medical Department, on leave for twenty months, G. G. O. 437 of the 19th May 1864.	*Indiana*, 21st May 1864.
Major O. J. McL. Farrington, of the Bengal Staff Corps, Deputy Commissioner in the Punjab, on leave for twenty months, G. G. O. No. 450 of the 26th May 1864.	*Rangoon*, 24th May 1864.
Surgeon Major E. T. Downes, of the Medical Department, Assay Master, Calcutta Mint, on leave for twenty months, G. G. O. No. 450 of the 26th May 1864.	

Forms referred to in Government General Order No. 510, dated 20th June 1864.

No. OF 18____.

BY AUTHORITY OF

GENERAL

Commanding in

LEAVE OF ABSENCE is hereby granted

to

of the Regiment of

from the day of

to the day of

to proceed to England on MEDICAL CERTIFICATE to appear before a Medical Board.

He having declared his intention to rejoin his Regiment within the period for which Leave of Absence has been granted him, and that he does not purpose to exchange or retire from the Service.

GIVEN at the Brigade Major's Office, H. M.'s Forces,

this day of

Brigade Major, H. M.'s Forces.

NEW FURLOUGH REGULATIONS.

No. 18____.

It is hereby certified that of Her Majesty's Regiment of has received from me his Pay and Allowances up to the date preceding that of his embarkation, viz :— inclusive, and to no later period.

He has also received from me an advance of months' Pay and Allowance, viz., from to inclusive, at the following rate per mensem ; and at this rate he is entitled to receive the same for the succeeding months in England :—

Pay and Indian Allowances...	Rs.
Extra Batta	"
Tentage	"
Horse Allowance	"
House Rent	"
Half Staff Pay	"
Total Rupees	

and that he has also received the passage money of his rank, viz., Rupees after deducting £5 or Rupees

Pay Office, Queen's Troops,

18____.

Military Pay-Master.

Extracts from the General Regulations of the Army.

"The Officer receiving Leave of Absence is to keep this certificate in his own possession, or to deposit it with his Regimental Agents.

"All Officers returning from a Foreign Station (except when they return with their Regiments) are required to report, in writing, their arrival in Great Britain or Ireland to the Adjutant General, stating the cause of their return from abroad. If they have returned on Leave of Absence, they must state by whom such permission is granted, and for what period. They must leave their address with their respective Agents, to whom, in case of their changing their places of residence, they are immediately to give notice. They are also to report themselves, either personally, or in writing, to the Colonels of their Regiments, if their Colonels are not on Foreign Service. Whenever any Regimental Pay-Master shall return Home from a Foreign Station, he shall report to the Secretary at War, as well as to the Adjutant General, and to his Colonel, his arrival, the authority under which he has returned, &c. And all Medical Officers returning from a Foreign Station are required to report their arrival, &c., to the Director General of the Army, Medical Department, as well as to the Adjutant General, and to the Colonel of the Regiment."

No. _____ OF 18__

BY AUTHORITY OF__

GENERAL _____

Commanding in _____

LEAVE OF ABSENCE is hereby granted

to _____

of the _____ Regiment of _____

from the _____ day of _____

to the _____ day of _____

to proceed to England on PRIVATE AFFAIRS.

He having declared that he will rejoin at his own expense the Service Companies of his Regiment within the period for which leave of absence has been granted him; and further, that if, during the period of his leave of absence he should retire from the Service, exchange to another Regiment, or to the Half Pay, he will hold himself responsible for the payment of the expense of the passage of the Officer who shall be ordered out to replace him in Service Companies of his Regiment.

GIVEN at the Brigade Major's Office, H. M.'s Forces.

this _____ day of _____

_____

Brigade Major, H. M.'s Forces.

No._____ of 18____.

I certify that _____

_____ Regiment of _____

has received his _____ of me to the _____

Pay Office, Queen's Troops.

Signature of the Pay-Master. } _____

Military Pay-Master.

Extracts from the General Regulations of the Army.

"The Officer receiving Leave of Absence is to keep this certificate in his own possession, or to deposit it with his Regimental Agents.

"All Officers returning from a Foreign Station (except when they return with their Regiments) are required to report, in "writing, their arrival in Great Britain or Ireland to the Adjutant General, stating the cause of their return from abroad. If "they have returned on Leave of Absence, they must state by whom such permission is granted, and for what period. They "must leave their address with their respective Agents, to whom, in case of their changing their places of residence, they are "immediately to give notice. They are also to report themselves either personally, or in writing, to the Colonels of their "Regiments, if their Colonels are not on Foreign Service. Whenever any Regimental Pay-Master shall return Home from a "Foreign Station, he shall report to the Secretary at War, as well as to the Adjutant General, and to his Colonel, his arrival, the "authority under which he has returned, &c. And all Medical Officers returning from a Foreign Station are required to report "their arrival, &c., to the Director General of the Army, Medical Department, as well as to the Adjutant General, and to the "Colonel of the Regiment."

Lieutenant W. B. Craigie, of the General List, Cavalry, Officiating Assistant Inspector General of Police, Meerut Division, on leave for eighteen months, G. G. O. No. 437 of the 19th May 1864.	*Rangoon*, 24th May 1864.
Lieutenant H. McD. DeWendt Douglas, of the late 67th Regiment, Native Infantry, Adjutant of the 38th (the Agra) Regiment Native Infantry, on leave for twenty months, G. G. O. No. 450 of the 26th May 1864.	
Major R. J. Edgell, of the late 53rd Regiment, Native Infantry, Brigade Major, Barrackpore, on leave for eighteen months, G. G. O. No. 488 of the 13th June 1864.	
Surgeon Major C. L. Cox, A. B. and F. R. C. S., of the Medical Department, Officiating Principal Medical Storekeeper to Government, on leave for twenty months, G. G. O. No. 488 of the 13th June 1864.	*Nubia*, 10th June 1864.

No. 513 *of* 1864.—Mr. A. T. W. Connor, 3rd Class Sub-Assistant, Topographical Branch of the Survey Department, is permitted to resign his situation with effect from the 1st Instant.

No. 514 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe, on furlough, on private affairs :—

Captain Charles Samuel John Terrot, of the late 29th Regiment, Native Infantry.	For 3 years, under the old Regulations, embarking at Bombay.

No. 515 *of* 1864.—The Right Hon'ble the Governor General in Council is pleased to direct the publication, for general information, of the following Despatch from the Right Hon'ble the Secretary of State for India, regarding the change in the designation of the several Brigades of Royal Horse Artillery :—

MILITARY. INDIA OFFICE;
No. 127. *London, the 30th April* 1864.

SIR,—With reference to my Despatches, dated the 24th February and 18th Ultimo, Nos. 55 and 82, respecting the formation of an additional Brigade of Royal Horse Artillery, and the embarkation, this season, for India, of two Batteries of the 1st Horse Brigade to relieve two Batteries of the 2nd, I have to inform you that Her Majesty has been pleased to approve of the designation of the several Brigades of Horse Artillery being changed; and that the six Horse Brigades including that which with a view to furnishing the Indian reliefs it has been determined to form, by the division of the present 1st Brigade, into two, shall be severally called A., B., C., D., E., and F. Brigades.

2. The two Brigades which are formed out of the existing Batteries of the 1st Brigade will retain their present position in the corps, and will be styled A. and B. Brigades, and the Brigades at present in India will become—

2nd	(Bengal)	C. Brigade.
3rd	(Madras)	D. do.
4th	(Bombay)	E. do.
5th	(Bengal)	F. do.

3. I have to request that you will communicate the subject of this Despatch to the Governments of Madras and Bombay, respectively.

I have, &c.,
(Sd.) C. WOOD.

In accordance with the instructions of Her Majesty's Government, His Excellency the Commander-in-Chief will be pleased to issue such orders as may be necessary for carrying out the change of designation, as laid down in the above Despatch.

No. 516 *of* 1864.—With reference to Government General Orders noted in the margin, the following Military letter from the Right Hon'ble the Secretary of State for India, is published for general information :—

No. 1074, dated 26th November 1861.
No. 494, dated 2nd May 1862.
No. 222, dated 15th March 1864.

MILITARY. INDIA OFFICE;
No. 153. *London, the 16th May* 1864.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—Paragraph 1. In my Despatches of the dates, noted in the margin, regarding the absorption of the Supernumerary Field Officers of Artillery, it was stated that the reduction was to be effected by making only one promotion for every three vacancies.

24th March 1862, No. 124.
30th January 1864, No. 26.

2. This direction was given on information received from the War Office as to the mode in which it was intended to carry out the reduction in the old Royal Artillery. I am now informed, however, by the Secretary of State for War, that there was a clerical error in the letter addressed to this office on the subject, and that the intention was to absorb one Supernumerary Field Officer in every three vacancies, the other two vacancies being filled up by promotion.

3. A similar course is to be followed as regards the Officers of the new Brigades of Artillery. As stated in my Despatch, dated 30th January 1864, No. 26, the absorption is not to commence in the case of these Officers until it has been completed in the case of the Officers of the other Brigades.

I have, &c.,
(Sd.) C. WOOD.

No. 517 *of* 1864.—Under authority from the Right Hon'ble the Secretary of State, as conveyed in his letter No. 144, dated 16th May 1864, His Excellency the Governor General of India in Council

is pleased to notify that service in the appointments of Assistant Adjutant General and Assistant Quarter Master General by substantive Majors of Her Majesty's Indian Army who are Brevet Lieutenant Colonels, shall be allowed to reckon as qualifying service for the rank of Colonel, under the 8th Clause of the Royal Warrant of the 31st January 1859.

No. 518 *of* 1864.—In pursuance of instructions from the Right Hon'ble the Secretary of State for India, as conveyed in his Despatch No. 146, dated 16th May 1864, His Excellency the Governor General of India in Council is pleased to announce that the provisions of the Royal Warrant of 5th November 1860, which modifies in favor of Officers promoted for service in the field, Clause 27 of the Royal Warrant of the 14th October 1858, are applicable to all Officers who obtain promotions for service in the field, being regimental Captains at the time of such promotion without reference to the grade of rank obtained.

No. 519 *of* 1864.—Certain errors of the Press having occurred in the Military General Orders, issued in the *Gazette of India*, dated the 18th Instant, the following corrections are to be made:—

In G. G. O. No. 486, dated 13th June 1864, for "7th Troop, Serjeant Majors," read 7 *Troop Serjeant Majors.*

In G. G. O. No. 499, dated 14th June 1864, laying down rates of pay for Quarter Masters of Royal Artillery, in India, in the 2nd column, Field Rate, opposite English Pay, for "137-15-0," read 137-15-9; and in the same column opposite half batta, for "60-13-0," read 60-14-0; and,

In G. G. O. No. 505, dated 17th June 1864, publishing extract from the *London Gazette* of the 29th April 1864, under Bengal Staff Corps, for Lieutenant Dacres William Wise, dated "6th December 1864," read *6th December* 1863; and for Lieutenant Henry Muirson Caulfield, to be Captain, vice Barlow, transferred to 88th Foot, dated "17th November 1864," read *17th November* 1863. Order Books to be corrected accordingly.

The 22nd June 1864.

No 520 *of* 1864.—The following Despatch No. 16, dated 23rd January 1864, received from the Right Hon'ble the Secretary of State for India, is published for general information:—

MILITARY. INDIA OFFICE;

No. 16. *London, the 23rd January* 1864.

To his Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have considered in Council your Military letter, dated 5th November last, No. 314, on the subject of the admission to the Invalid Pension List of Warrant Officers holding Commissions on the Veteran Establishment.

2. It appears to have been the practice to transfer such Officers, when declared unfit for further service, to the Invalid Pension Establishment, not on the proper allowance fixed for that Establishment but on the pay and allowances fixed for Officers of the Invalid Establishment with the addition of Extra Batta. This is a very objectionable arrangement.

3. I have recently addressed the Government of Madras on the subject of the retiring allowances of Officers of the Veteran Establishment. A copy of my Despatch will have reached you in due course, and I desire that it may meet with the attention of your Government.

Dated 16th December 1863, No. 168.

4. I shall not object to the transfer of such Officers to the Invalid Establishment when pronounced unfitted for the discharge of their duties, nor to an exception being made in their favor to the rule of that Establishment requiring certified fitness for the performance of garrison duty as a qualification for admission; but I cannot sanction, in such cases, the grant of higher allowances than those drawn by the other Officers of the same Establishment.

5. When Officers of the Veteran Establishment return to England on retirement, their pensions will be governed by the rules laid down in my Despatch, dated 24th March 1862, No. 115, published in General Order, by your Government, No. 550, dated 19th May 1862.

I have, &c.,

(Sd.) C. WOOD.

The provisions of the above Despatch will have effect in all the three Presidencies.

No. 521 *of* 1864.—Lieutenant M. McGrath, of the Veteran Establishment, Deputy Assistant Commissary of Ordnance, having been declared to be unfit for further active service, is, under the provisions of G. G. O. No. 520, dated 22nd June 1864, transferred to the Invalid Establishment, with permission to reside and draw his pay and allowances in India.

No. 522 *of* 1864.—The following Rules will have effect in modification of paragraphs 1, 3, 4, 5 of G. G. O. No. 590 of 15th April 1856.

Immediately a Native soldier eligible for the Invalid Establishment has been passed by the Invaliding Committee, the Officer under whom he is serving is to cause a Return, in the Form A., to be prepared and transmitted to the Divisional Pay-Master, who will grant a cheque, payable on or after the 1st of the following month, for the estimated amount of arrears of pay up to the last day of the current month, and the authorized advance of six months' ordinary pension.

2. The soldier will be struck off the strength of the Regiment on the last day of the month, in which he is passed by the Invaliding Committee, but men of doubtful claims will, as at present, be retained on the strength of their Regiments until the receipt of orders from Head Quarters.

3. The Pension Roll and Parchment Certificate are to be carefully filled up, and the advance of pension is to be paid to the pensioner, as soon as practicable, after the 1st of the month, the follow-

ing entry being made on the Pension Roll immediately above the Commanding Officer's signature :—

"Certified that the above has been paid in my presence the usual advance of six months' pension, amounting to Rupees on this day of ."

4. The Pension Roll and Parchment Certificate will be retained with the Regiment until the transfer of the soldier has appeared in General Orders, when the Roll and Certificate are to be completed and forwarded to the Pension Pay-Master of the Circle in which the pensioner intends to reside.

5. Each pensioner on being paid his advance, is to be furnished with a certificate, in the Form B., which he will be required to present to the Pension Pay-Master or to the Civil Officer by whom he is paid, when he first attends for payment, and which will be exchanged for the Parchment Certificate.

6. The amount received on account of arrears of pay and advance of pension is to be charged in the Pay Abstract of the Regiment for the month in which the soldier is struck off. The pay will be drawn in the usual manner, but the advance which will be charged under the head of "Pensions" is to be supported by a voucher in the Form C.

7. Officers paying the advance are responsible that no more than the proper rate of ordinary pension is issued, and they will be liable for any over-payment, should it not be recoverable from any future payments to the pensioner, order of British India or order of Merit Pay, or Brevet Pay of Subadar Major, cannot be paid in advance.

8. The Pension Rolls only are to be forwarded for Registry by the Pension Pay-Master, who, on their return, will complete the Parchment Certificates by filling in the Register numbers. The Parchment Certificates of pensioners to be paid from Civil Treasuries are then to be despatched to the Officer in charge, to be delivered to the parties on their presenting themselves for payment, in exchange for the certificates they received from their Commanding Officers which are to be collected and sent to the Pension Pay Office.

9. The Pension Pay-Master, when forwarding the Parchment Certificates to the Civil Officer, will furnish a Statement showing the monthly sum each man is entitled to receive, and will note on it any recovery which is to be made on account of any over-payment of advance.

10. The above Rules are also applicable to Native Doctors of the Military Establishment serving under Deputy Inspector Generals of Hospitals, whether attached to the Civil Department, or employed otherwise than with Regiments.

FORM A.

Return of men belonging to declared unfit for the service by the Invaliding Committee which assembled at on the day of , for whom an advance is required on account of Pay, for the current month, and the authorized advance of pension.

Troop or Company.	Rank.	Names.	Length of Service.	Pension.		Pay.	Total of each.	Remarks.
				Rate.	Amount.	Amount.		
Total amount required.								

(Signature of Officer drawing Pay.)

I certify that the above men have been invalided by the Invaliding Committee, and that they are entitled, by their length of service, to the pensions specified.

Commanding Officer.

FORM B.

This is to certify that Regimental number a in the Regiment of service years months stature feet inches. Age years months has been declared by the Invaliding Committee to be unfit for further active service, and being struck off the strength of the Regiment on the was paid his arrears of pay up to , and an advance of six months' pension, at Rupees amounting to Rupees . His future pension will be paid through the Pension Pay Office.

Given under my hand this day of

I hereby acknowledge to have received an advance of six months' pension, amounting to Rupees

Commanding Regiment.

(Signature of Pensioner.)

FORM C.

Nominal list of men of the Regiment who have been declared unfit for the service by the Invaliding Committee, which assembled at , on the , and to whom an advance of six months' pension has been paid.

Troop or Company.	Regimental No.	Rank.	Names.	Date of present rank or of former rank, when 3 years have not been completed.	Service.		Rate.	Amount.
					Years.	Months.		
							Total.	

I hereby certify that the above pensioners have been paid, in my presence, the sums stated opposite their respective names.

(Signature of Officer paying the pension.)

No. 523 *of* 1864.—The following copy of a Military letter from the Right Hon'ble the Secretary of State for India, is published for general information :—

MILITARY. INDIA OFFICE;

No. 133. *London, the 9th May* 1864.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—An exchange of Regiments has been recently sanctioned between Captain F. P. Luard, 19th Hussars, and Captain G. A. Bishop, 104th Foot. The names of these Officers are, in consequence, to be removed from the Cadres* of the Regiments of the Indian Army to which they formerly belonged, and promotions made in their room.

* Captain Luard, 1st European Cavalry. Captain Bishop, 2nd Bengal European Regiment.

2. In accordance with my suggestion, the Field Marshal Commanding-in-Chief has directed the Commander-in-Chief in India to notify to the Officers of the new line Regiments that, for the future, any Officer exchanging from one non-purchase Regiment to another, will forfeit all claim to Indian pension and will be brought under precisely similar conditions with Officers who may have joined them from other Regiments of the British Army.

3. The exchange of Captains Luard and Bishop having been effected before this decision was announced, the privilege of retaining a claim to pension under Indian Rules has been conceded to them so long as they remain in their present Regiments.

I have, &c.,
(Sd.) C. WOOD.

The 23rd June 1864.

No. 524 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe on urgent private affairs :—

Lieutenant Edward Maximilian Bethune, of the late 70th Regiment, Native Infantry.	For six months, without pay.

No. 525 *of* 1864.—The undermentioned Non-Commissioned Officer is admitted to pension, as specified opposite to his name :—

Serjeant John Thompson, (Unattached List), of the Army Commissariat Department.	2*s.* (two shillings) per diem, payable in Europe.

No. 526 *of* 1864.—Captain J. H. Jenkins, of the late 44th Regiment, Native Infantry, Deputy Assistant Commissary General, 2nd Class, is allowed leave of absence, for one month, from the 5th Instant, to visit the Presidency preparatory to applying for sick leave, to Europe, under the new Regulations.

No. 527 *of* 1864.—The undermentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate :—

Captain John Hadow Jenkins, of the late 44th Regiment, Native Infantry, Deputy Assistant Commissary General, 2nd Class.	For 20 months, under the new Regulations.

No. 528 *of* 1864.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB IRREGULAR FORCE.

Corps of Guides.

Cornet W. A. Lawrence, Her Majesty's 21st Hussars, to be Doing-duty Officer.

H. W. NORMAN, *Col.*,
Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

No. 161.

ESTABLISHMENT.

Simla, the 17th June 1864.

Notification.—Mr. W. Brown, Assistant Engineer, 1st Class, Central Provinces, is removed from the Public Works Department.

No. 162.

The 20th June 1864.

Appointment.—Sergeant Edmunds, Royal Artillery, is appointed an Assistant Accountant, 3rd Class, and posted to the Central Office of Public Works Accounts, Oudh.

R. STRACHEY, *Col.*, R. E.
Secy. to the Govt. of India.

ADVERTISEMENTS.

IN THE COURT OF THE RECORDER OF RANGOON.

CIVIL MISCELLANEOUS, No. 51 OF 1864.

In the matter of Samuel George, deceased.

WHEREAS, Gowry Hazaree, bearer of the deceased above-named, has made application to this Court for a Certificate of Administration to the Estate of the deceased above-named, who died intestate on the 28th day of May 1864.

Notice is hereby given that Wednesday, the 29th June 1864, is fixed for hearing of the said Application, under Section 3rd, Act XXVII. of 1860, and all persons claiming to administer to the said Estate are required to appear in this Court on that date, either in person or by an Advocate duly instructed to oppose the said Application; failing wherein, the Application will be heard and determined *ex-parte*.

Given under my hand and the Seal of the Court, this 6th day of June 1864.

W. H. CLARKE,
Recorder.

Just Published.

The Bengal Ryots; their Rights and Liabilities:

Containing a complete Exposition of the Law of Landlord and Tenant, illustrated by the History and Principles of Legislation on the subject, and the rulings and opinions of the highest Judicial and other Authorities. The recent important Decisions of the High Court will be found fully discussed in the work. 8vo. cloth ... Rs. 3 8

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A. M. MONTEATH,

In charge of the Office of Dir. Genl. of the Post Office of India.

CALCUTTA,
11*th May* 1864.

Printed and Published for the Government of India by J. L. KINGHAM, *at the Government Press, Simla.*

No. 26.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, JUNE 25, 1864.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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Government of Bengal.

Darjeeling Forests.

From H. BELL, Esq., Junior Secy. to the Govt. of Bengal, to Dr. T. ANDERSON, Darjeeling,—(No. 4223, dated 12th November 1863.)

I am desired to request that you will favor the Lieutenant Governor with a report on the past and present state of the forests in and about the Station of Darjeeling, especially as to whether, and if so in what way and to what extent, recent clearances have affected the climate and the water supply of the place, and whether it is expedient to take any measures with a view to the regulation of such clearances in future, both in public and on private property, and also with a view to the gradual renewal of the growth in places in which the clearance has been carried to too great an extent, by the plantation of useful timber trees in places of those which have been cut down.

2. I am desired to request that you will send your report to the Superintendent of Darjeeling, who will submit it to Government, with such practical remarks as he may desire to offer on the subject.

No. 4224.

Endorsed by Govt. of Bengal.

Copy forwarded to the Superintendent of Darjeeling for information and guidance, and with a request that he will take an opportunity of consulting Doctor Anderson on the subject.

From H. C. WAKE, ESQ., C. B., Supdt., Darjeeling, to the Junior Secy. to the Govt. of Bengal,—(No. 1260, dated 19th November 1863.)

Referring to your Memorandum No. 4224 of the 12th instant, I have the honor to inform you that some short time ago I addressed Doctor Anderson on this subject, and requested him to confer with me on the subject. Annexed is a copy of my letter No. 1234, dated the 12th November 1863, to him; he has since left for Calcutta.

From H. C. WAKE, ESQ., C. B., Supdt., Darjeeling, to the Offg. Supdt., Royal Botanic Gardens, Calcutta,—(No. 1234, dated 12th November 1863.)

Doubtless it has not escaped your notice that, owing to the reckless clearance made by the owners of locations and planters, everything in shape of ornamental or useful timber has either entirely disappeared, or is rapidly disappearing from the station and its neighbourhood.

2. There is, I regret to say, little land in the station still in the hands of the Municipal Commissioners, still there is sufficient to allow of its being considerably beautified by planting, while the ranges of Sinchal and Goom Pahar being reserved for timber, one should be able, if supplied with young trees suitable for building purposes, to ensure a future supply. I have therefore the honor to request your valuable advice and assistance.

3. In the station I should be glad of a small number of seedlings of such trees as would be purely ornamental and umbrageous, and are suited to a high elevation, together with a moderate supply of such as are suitable for building, &c., &c., &c.; for these I could find room for a small nursery in the neighbourhood of the Jail, and would doubtless be able to dispose of them among the planters and residents without loss either to Gov-

ernment in the first instance, and the Municipal Commissioners in the second.

4. I think it would be well for Government to establish a nursery for such trees and ground at a suitable elevation which can be afforded from the reserve at Lebong, choosing that portion which is nearest to the water supply; the public must gradually come to these views on the subject, and would surely pay for young trees a sufficient price to prevent the possibility of loss.

5. I regret that the Sinchal and Goom Ranges are the only land which I was in time to secure as reserves; one probably of too high an elevation for the Chinese, about which you spoke to me a short time ago, but Mohalderam and Dobeejhora might suit those trees, and your experience will doubtless enable you to recommend some other species for the former tracks.

6. As soon as we have conferred on the subject, I will communicate with Government and lay the matter before the Municipal Commissioners.

From T. ANDERSON, Esq., M. D., Supdt., Botanic Gardens, Calcutta, to Junior Secy. to Govt. of Bengal,—(No. 8, dated 15th January 1864.)

In reply to your letter No. 4223, dated 12th November last, to my address, I have the honor to submit the following report on the past and present state of the forests in and about the station of Darjeeling. I may premise that I have no knowledge from personal inspection of these forests before March 1862, and accordingly any statements made about their former condition are founded entirely on information obtained from conversation with old residents of Darjeeling and travellers, especially from Dr. Hooker, and also from the well marked traces which exist every where of the very recent and wholesale destruction of these forests. Lieutenant General Lloyd, C. B., informed me that when he first visited Darjeeling, many years ago, the whole district and the site of Darjeeling were covered with a dense forest. This forest was of necessity almost absolutely cut down over the whole extent of the ground now occupied by the Station of Darjeeling, with the exception of the properties of Mr. Hodgson, of the Civil Service, and of Dr. Campbell, the Superintendent. Many of the original trees still exist on these gentlemen's estates. The systematic destruction of the forests near Darjeeling seems only to have commenced with the introduction of tea cultivation. The entire clearing of the hill near the Station of Jellapahar is, however, a notable exception to this. The clearing of the forest on that hill must have been ordered on the idea that trees are hurtful near a Cantonment, or else it must be the result of the uncontrolled and indiscriminate felling of timber for firewood. It may be generally stated that there is not a single tea estate in British Sikkim on which the trees have not been completely felled. Proprietors of tea estates seem generally to have acted on the idea that after obtaining their grant of land, their first duty was to fell and burn every tree standing where tea would grow. They seem to have quite ignored the fact that for every pound of tea they could produce, one pound of firewood and two of charcoal would be required for the manufacture, while they also lost sight of the well known value of belts of forest as a means of protection from winds and the storms of hail, which are so violent in these hills; of the effect that clearance of timber exert on the climate of a country, and especially that water-courses dry up when exposed to a powerful sun through a long portion of their course. The effects on the general amount of moisture in the atmosphere and on the annual and diurnal range of the thermometer, which always follow extensive forest clearances, are results which no single proprietor could be expected to consider when his own interests were supposed to be concerned.

The past condition of the forests near Darjeeling may be generally summed up as follows. Before the portion of Sikkim, which lies between the Teesta on the east, the Great Rungeet and the Rumam on the north, and the ridge of Singalelah and a long spur from Tonglo on the west, become British territory, the country was covered by a dense primeval forest, except a few scattered patches when clearances had been made for cultivation. The character of the forest varied at different heights, but it was every where dense, and at all heights valuable timber trees were found. Saul, *Shorea robusta*, was found in all the drier valleys from 300 feet at the exit of the Teesta into the plains to 1,800 and 2,000 feet in elevation as far inland as the Rumam. There is a fine forest of this valuable tree in the valley of the Great Rungeet below Darjeeling, but many of the trees have been felled on the British side of the river. An almost primeval forest of Saul exists on the northern slopes of this valley in Independent Sikkim. This tree is also said to abound in the Teesta Valley below the junction with the Rungeet, but near the plains the trees have been extensively felled even as far in the hills as Goramara. These remarks have reference to the destruction of Saul timber only in these valleys. The other forests that formerly existed in the valley of the Balasun may be generally said to have disappeared at all heights below the level of the new cart road from the Selimpahar cutting up to the point where the road crosses the neck of the Hope-town spur near Pacheem. The entire extent of territory between this road and the Nepalese frontiers may be said to be denuded of forest. On some tea estates the water-courses have been cleared entirely of trees. Toon, Maple, Oak, Chesnut, Walnut, Bucklandia, and others, all more or less valuable timber trees, have been destroyed with the less valuable trees, and near Kurseong their gigantic charred trunks still belie on the ground on many of the slopes. In the valley of the Runmoo below Darjeeling, great clearances have been made on all the slopes and spurs, but some estates, especially Mr. E. Fitzgerald's, show that a more judicious mode of clearing has been followed than is usual. All the streams passing through this gentleman's property have had a fringe of trees left on their banks. Mr Barnes too, a large proprietor of land in the Runmoo valley, has also issued some restrictive orders to his tenants about the felling of timber. In the valley of Little Rungeet, the same indiscriminate felling has more or less prevailed.

Above 6,000 feet it may be said that the forest has scarcely been interfered with except for the purposes of firewood. An exception to this is Jellapahar, the Military Station for invalids, which has been completely stripped of timber, and has become overrun with gregarious species of weeds.

I have found it impossible to discover any reliable records which show that any change has taken place in the climate of Darjeeling from the felling of forest. The general belief is, that the summers

are drier, and that frosts are more severe in winter, and that upon the whole less rain falls throughout the year than did formerly. Any change that has taken place has certainly been an improvement in the climate of Darjeeling, so far as man is concerned. The only proof I can adduce of the effects that the clearing of forest exerts, and are afforded by observations made at the site of the open air, Cinchona plantations at Lebong at nearly 6,000 feet. Since October 1863 two self-registering minimum thermometers by Newman have been placed, one on the margin of an extensive belt of trees, and another at the same height in a perfectly cleared site, a few hundred yards distant. They are both placed four feet above the ground, and are similarly protected from the direct effects of radiation, so as to record the lowest temperature of the air uninfluenced by radiation. The result has been up to the 26th of December to show on every night an average difference of 4½ degrees in favor of the spot near the forest, that is the thermometer on the cleared site falls 4½ degrees lower every night than the one on the wooded site. This result would doubtless be confirmed by similar observations in other parts of Sikkim, and if so, a diminution by 4½ degrees in the daily minimum temperature of all clearances will be the result. The mean annual temperature of the year will probably be retained by an increase on the daily maxima throughout the year; but if any such increase has occurred, the amount has not as yet been ascertained. Dr. Hooker states that at 7,000 feet in cleared spots, the mean daily range of the thermometer is 13 degrees, while in the forest it amounts only to 4 degrees.

I have observed at Darjeeling that whenever forest is felled, the ground is soon afterwards occupied by a certain class of weeds that did not exist in it previously, and that these weeds grow so luxuriantly that no seedlings of the original trees can contend with them. Accordingly where forest has been destroyed, it never can be replaced unless man interferes to protect the seedling trees while they are struggling with the weeds during the first year of their existence. This condition occurs most strikingly at Jellapahar, where the entire hill is covered by a *Guaphalium* and *Rubus*. This result follows whenever forest is felled in Sikkim, with the difference that at different elevations other species of weeds occur. There can be no doubt that a demand for firewood at Darjeeling is every year encroaching on the forests near the station, and that as all the forests below 6,000 feet have been, generally speaking, destroyed, those forests above 6,000 feet will also be destroyed unless some protective measures be adoptod.

With a view to provide timber for firewood for the station of Darjeeling, I think that orders should be given to reserve all forest land above 6,500 feet, except for the purposes of building, and that especially all the forest on Sinchal should be reserved, and that the cultivation of potatoes by natives should be restricted to such spots as have already been cleared of timber. That timber should immediately be planted on Jellapahar to within a fixed distance from the barracks, and that the trees planted should be such as we know to be useful for firewood and are of rapid growth; that in sales of land, it should be made a condition that all streams of considerable size passing through the land should be protected by a belt of forest not less than 100 feet on either bank. Proprietors of land might be encouraged to plant trees along their boundaries to the extent of 50 feet on either side of the boundary line where estates are contiguous; that they should be recommended not to fell forest where it is certain that tea or other cultivation will not be remunerative. They should be reminded that to make tea, wood and charcoal are required to the extent of 2 lbs of charcoal and one of firewood to every pound of tea manufactured independently of timber for boxes. That primeval forests once destroyed seem quite unable to restore themselves. To prove this, it is only necessary to point to the enormous expenditure incurred yearly at Darjeeling for the clearing of weeds from young tea plants. In restoring a forest the same annual expenses per acre would require to be incurred for two or three years.

To effect the renewal of trees in any part of Darjeeling, timber trees suited to the various elevations might be selected. Most of these can be obtained in the forests, but to succeed trees suited to the different elevations and to the purpose to which the timber is to be put must be selected. For example, Saul for charcoal might be planted at all elevations below 2,000 feet above the sea; Mahogany, Sissoo, Mangoe and many others would succeed at the height from 1,000 feet to 4,000 feet; Toon for boxes and carpenters' work would be a useful tree. From 2,000 to 5,000 feet, China Fir, *Cryptomeria Japonica*, a valuable timber tree, and which grows well at Darjeeling even at 7,000 feet, would prove a rapidly growing tree, and would attain a large size in 25 years. A few trees of this species sent to Darjeeling by Dr. Falconer from the Botanical Gardens of Calcutta bear seeds abundantly. Between 2,000 to 5,000 feet many of the sub-tropical members of the pine family would probably succeed equally as well as the Chinese Pine, *Cryptomeria Japonica*. Probably the valuable Kourie of New Zealand and some Chinese species would succeed in this zone. The only certain method of encouraging the re-planting of forest where it will be required will be to provide nurseries of useful trees, where tea planters can purchase seedling trees at a fixed rate sufficient to cover the expenses of rearing them. A nursery at 4,500 feet above the sea could provide trees suitable for all heights between 2,000 and 7,000 feet. Seeds cannot be placed in the spot to be occupied by the permanent tree, but after raising the seeds in nurseries, the trees should be planted out in the second year of their growth at fixed distances from each other, to allow of biennial thinnings being made until the desired distance from each other of the permanent trees has been attained. By so doing, a large annual expenditure for weeding could be avoided at least after the second year. A judicious system of rotation planting and thinning as now practised in forest land in Britain is most remunerative and very simple.

From H. C. WAKE, ESQ., C. B., Supdt., Darjeeling, to Secy. to Govt. of Bengal,—(No. 46, dated 1st February 1864.)

I have the honor to forward a copy of a letter No. 6, dated 15th January 1864, from Dr. Anderson, to my address. His scheme as therein sketched is too vague to allow of commentary; there can be no difficulty in providing the nurseries, the lands indicated being already reserved for forest purposes. The general charge of such nurseries might, as proposed by Dr. Anderson, be undertaken by the Cinchona gardener.

2. All that is now required is the general approval of His Honor the Lieutenant Governor to

a scheme which has been already proposed by me in my letter to Government on this subject.

From T. ANDERSON, Esq., M. D., Supdt., Botanic Gardens, Calcutta, to Supdt., Darjeeling,—(No. 6, dated 1st February 1864.)

In reply to your letter No. 1234, dated the 12th November 1863, I have the honor to inform you that I have this day submitted a report to Government on the general destruction of forest near Darjeeling. The only way by which the forest near Darjeeling can be restored is by planting, judiciously carried out. To do this, a nursery must be established at a height which has reference to the elevation at which forests are to be formed; for example, for Goom and Sinchal, a nursery should be situated between 6 and 700 feet, eight or ten acres would be sufficient as a nursery. From such a nursery, timber trees suitable for all heights from 6,000 to 10,000 feet could be supplied in almost any number. To conduct such a nursery, an outlay of Rs. 200 a month would be necessary. In my opinion such a nursery could be best and most economically carried on by attaching it to the Cinchona cultivation at Darjeeling. Were this to be done, the expense attending European supervision would be obviated to a certain extent beyond a small special allowance to the European gardener of the Cinchona cultivation, who might be placed in charge of it, the Native establishment would not exceed Rs. 50 a month; all the expenses, or certainly a large portion of them, should be defrayed by the sale of the seedling trees. If you can obtain the sanction of Government to this scheme as generally sketched out above, I would easily settle the details with you on my next visit to Darjeeling in February.

From the Hon'ble A. EDEN, Secy. to the Govt. of Bengal, to the Secy. to the Board of Revenue,—(No. 388 T, dated 30th May 1864.)

I am directed by the Lieutenant Governor to forward, for the information of the Board, the accompanying copy of a correspondence* on the subject of the Darjeeling forests, and to request—

* 1. Orders No. 4223, dated 12th November 1863.
2. Letter from Superintendent of Darjeeling, No. 1260, dated 19th idem, with enclosure.
3. Letter from Dr. T. Anderson, Superintendent, Botanic Gardens, Calcutta, No. 8, dated 15th January last.
4. Letter from Superintendent of Darjeeling, No. 46, dated 1st February last, with enclosure.

1st.—That all forest land more than 6,500 feet above sea level, which has not already been sold, may be reserved, except such portion as is fit for building locations;

2nd.—That in respect to all land which may hereafter be let or sold, whether for building purposes or otherwise, it be made a condition of the purchase or lease that no timber be cut down or destroyed within 100 feet of any jhora or running stream of water without the permission of the Municipal Commissioners, and that for every tree so cut down or destroyed without permission, the owner or lessee shall pay a fine of Rs. 50 to the Municipality;

3rd.—That no person be allowed to cut timber for firewood or for any other purpose on any Government reserves or other Government lands without the permission and license of the Municipal Commissioners;

4th.—That all Government lands within the limits of the Stations of Darjeeling and Sinchal on which the timber has been destroyed, be cleared of weeds by the Municipal Commissioners, and planted with trees useful both for timber and for firewood and suited to the elevation, and that this course be followed at once at Jellapahar and Sinchal up to within a certain distance from the barracks, to be fixed by the Deputy Commissioner of Darjeeling in communication with the Commanding Officer;

5th.—That proprietors of land be encouraged to plant useful trees on their estates, and recommended not to clear the forest where the land is not certain to answer for tea cultivation, and everywhere to leave trees standing here and there both as shade and shelter to the plants and also for use when needed; and

6th.—That the Deputy Commissioner be directed, in communication with Dr. Anderson, to establish a nursery, as suggested by that gentleman, either in connexion with the Cinchona plantation, or elsewhere, as may be most convenient.

2. For this last purpose, the Lieutenant Governor has been pleased to sanction an allowance of Rs. 200 a month to be recovered as far as may be by the sale of the seedlings.

No. 391 T.

Copy forwarded to Dr. Anderson, with a request that in communication with Mr. Wake, the Deputy Commissioner of Darjeeling, he will make arrangements for the establishment of a nursery on the footing proposed in his letter No. 8, dated 15th January last, reporting the details for the information of Government.

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